

Making Merit Recruitment Work: Lessons from and for the Western Balkans



ReSPA activities are funded
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Making Merit Recruitment Work: Lessons from and for the Western Balkans

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The Regional School for Public Administration (ReSPA), as the inter-governmental organisation for enhancing regional cooperation, promoting shared learning and supporting the development of public administration in the Western Balkans, helps governments in the region develop better public administration, public services and overall governance systems for their citizens and businesses, and prepare them for membership in the European Union (EU). ReSPA Members are Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia, while Kosovo* is a beneficiary.

ReSPA improves regional cooperation, promote shared learning and support the development of public administrations within the Western Balkans, and support the integration of the countries in the region into the EU.

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*This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Acknowledgements

This study was commissioned by the ReSPA Working Group on Human Resources Management in the Public Sector and was jointly funded by an EU grant awarded to ReSPA and the UK's Economic and Social Research Grant (Impact Acceleration Account) awarded through the University of Nottingham.

We would like to thank the Members of the ReSPA Working Group on Human Resources Management for their support and collaboration throughout the preparation of this document. Without their help it would have been impossible to realise this project. We would further like to thank Graeme Docherty from the University of Nottingham for his help in implementing the project.

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Introduction

The Regional School of Public Administration (ReSPA) has conducted two studies of merit-based recruitment to the civil service in the Western Balkans since 2015. The first of these studies evaluated the formal-legal frameworks regulating merit-based recruitment and, in particular, the quality of their implementation.¹ The second study focused on changes in formal rules and implementation practices between 2015 and 2018.²

The aim of the current study is to leverage the previous research undertaken by ReSPA by drawing broader lessons *from* the Western Balkans *for* the Western Balkans on how to make merit-based recruitment work more effectively.

In this context, the Western Balkans comprise the ReSPA members³: Albania, Bosnia and Herzegovina, Kosovo*⁴, Montenegro, North Macedonia and Serbia. They hence comprise the same geographical cluster, share a common legacy, and – most importantly for the purpose of this study – share the same goal of becoming members of the European Union. As demonstrated by the two previous ReSPA studies, however, Western Balkan governments have established different institutional arrangements to manage civil service recruitment. Moreover, these arrangements have been shown to have certain strengths and weaknesses in relation to different aspects of recruitment and selection. Deriving lessons from and for the Western Balkans is thus a highly relevant and valuable task, in accordance with ReSPA's mission of promoting initiatives for learning and diffusing good practices in the region.

In taking up this task the current study develops 21 lessons to improve merit-based recruitment in the Western Balkans. These lessons are derived from good practices identified across the region as well as from the gaps and obstacles to implementation that have become evident through in-depth evaluations of merit recruitment.

The 21 lessons are clustered around five areas of recruitment that informed ReSPA's previous evaluations of merit recruitment in the Western Balkans in 2015 and 2018: (i) the scope for the application of merit recruitment procedures; (ii) the conditions for opening job positions; (iii) the public advertisement of vacant positions; (iv) the formation and role of selection commissions; and (v) the examination and final selection of candidates.

The study concludes by integrating these lessons within a framework for the assessment of merit recruitment procedures and practices in the ReSPA members. This framework is conceived as a self-assessment tool that will enable ReSPA members to reflect on their recruitment practices, to identify gaps, to learn from the experiences of others in the region and to initiate efforts to exchange relevant knowledge among them.

¹ Meyer-Sahling, J.-H.; Mikkelsen K.S.; Ahmetovic, D.; Ivanova, M.; Qeriqi, H.; Radevic, R.; Shundi, A.; Vljakovic, V. (2015) *Improving the Implementation of Merit Recruitment Procedures in the Western Balkans: Analysis and Recommendations*. Danilovgrad: ReSPA Publications. <https://www.respaweb.eu/11/library#humane-resources-management-and-development-7>

² Meyer-Sahling, J.-H.; Mikkelsen K.S.; Schuster, C., Bartula-Musikic, R., Ahmetovic, D.; Ivanova, M.; Qeriqi, H.; Radevic, R.; Shundi, A.; Vljakovic, V. (2019) *Merit Recruitment in the Western Balkans: An Evaluation of Change between 2015 and 2018*. Danilovgrad: ReSPA Publications. <https://www.respaweb.eu/11/library#humane-resources-management-and-development-7>

³ The term 'ReSPA Members' also refers to Kosovo*, which is included in ReSPA activities as a beneficiary, although it is not yet a full Member.

⁴ *This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo declaration of independence.

The reform and institutionalisation of merit-based recruitment is a complex undertaking that requires time and favourable political and economic conditions. In particular, such reforms cannot succeed without sustained political commitment and the willingness of political elites to appreciate the benefits of merit-based recruitment for their national development.

In the global and European context, merit-based recruitment is widely regarded as the cornerstone of any modern professional civil service. Merit recruitment thus features prominently in the Principles of Administration developed by SIGMA to guide civil service reforms in EU accession countries.⁵ The European Commission refers to merit-based recruitment as a key component of the ‘fundamental reforms’ that have guided the EU’s enlargement strategy since 2015. The Commission renewed its commitment to these fundamentals most recently in February 2020.⁶

The benefits of merit-based recruitment for a nation’s development have been widely documented. Scientific research has shown that merit-based recruitment is associated with economic growth and reduced levels of corruption in government.⁷ Recruiting civil servants on the basis of merit further helps to increase the speed and accuracy of transposing EU policies as well as improving the quality of their implementation.⁸

One of the main benefits of merit recruitment is that it helps curb politicisation and nepotism in the civil service. Politicisation and nepotism have both been found to have negative consequences for the civil service, including lower public service motivation, lower work motivation and job satisfaction among civil servants, as well as poorer performance and lower levels of integrity in government.⁹ Making merit recruitment work effectively thus has many advantages for public sector performance and a nation’s development.

The benefits of merit-based recruitment have evidently been recognised by Western Balkan governments, which have continuously invested in efforts to increase the professionalisation of the civil service since the late 1990s and early 2000s. The most recent wave of reforms led to the amendment of civil service laws or the adoption of new laws in Albania (2013), North Macedonia (2015), Montenegro (2017), Serbia (2018) and Kosovo* (2019).

In spite of these reform efforts, however, the two ReSPA studies and the regular SIGMA monitoring reports indicate that the politicisation of civil service recruitment remains widespread across the region. For example, in autumn 2018 the authors of the ReSPA merit recruitment study conducted a survey of personnel managers throughout the national public administrations of the Western Balkans, finding that nearly 60 per cent of the respondents regarded the support of the political leadership as either important or very important in the

⁵ OECD (2017) SIGMA, The Principles of Public Administration. Paris: OECD. Available at http://sigmaweb.org/publications/Principles-of-Public-Administration_Edition-2017_ENG.pdf

⁶ European Commission (2020) Enhancing the Accession Process - A Credible EU Perspective for the Western Balkans. Available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf

⁷ Dahlström, C., Lapuente, V., and Teorell, J. (2012) The Merit of Meritocratization. *Political Research Quarterly* 65(3): 656–668. Rauch, J.E, and Evans, P.B. (2000) Bureaucratic Structure and Bureaucratic Performance in Less Developed Countries. *Journal of Public Economics* 75(1): 49–71.

⁸ Falkner, G., and Treib, O. (2008) Three Worlds of Compliance or Four? The EU15 Compared to the New Member States. *Journal of Common Market Studies* 46(3): 293–313. Toshkov, D. (2008) Embracing European Law: Compliance with EU Directives in Central and Eastern Europe, *European Union Politics* 9(3): 379–342.

⁹ Meyer-Sahling, J.-H., Schuster, C., and Mikkelsen, K.S. (2018) *Civil Service Management in Developing Countries: What Works? Evidence from A Survey With 23,000 Civil Servants In Africa, Asia, Eastern Europe And Latin America*. London: UK Department for International Development (DFID). <https://nottingham-repository.worktribe.com/output/1649287/civil-service-management-in-developing-countries-what-works-evidence-from-a-survey-with-23000-civil-servants-in-africa-asia-eastn-europe-and-latin-america>

selection of senior civil service positions. Even at the level of non-managerial civil servants, more than 50 per cent of the personnel managers attached an important or very important role to the political leadership in the recruitment and selection process.¹⁰

There is thus a pressing need to attain a better understanding of why merit recruitment procedures in the Western Balkans do not always work as intended and to identify which measures can be undertaken to improve the quality of their implementation. This study addresses this need.

The study is organised in seven sections, as follows: Section 1 outlines the analytical approach; Sections 2–6 identify lessons for each of the five areas of merit-based recruitment listed above; and Section 7 gives the conclusion and outlook.

In addition to general lessons, the sections also address the implications of the COVID-19 crisis for merit recruitment. The pandemic has been a powerful reminder of the importance of building public administration capacity, with merit-based recruitment as one of its most essential components. At the same time the COVID-19 crisis has created new challenges for the management of civil service recruitment. Accordingly, the sections address the initial responses of the ReSPA members to the pandemic.

The Appendix integrates the 21 lessons within a self-assessment framework. The self-assessments were completed for each ReSPA member in consultation with the members of the Working Group on Human Resource Management in the public sector. The self-assessments are complemented with a ReSPA work plan to assist initiatives for improving merit recruitment in the western Balkans.

Deriving lessons for merit recruitment for the development of a self-assessment framework

This study seeks to derive lessons from previous ReSPA evaluations of merit recruitment in the Western Balkans in order to develop a self-assessment framework from and for the Western Balkans. The focus of the 21 lessons is on identifying which conditions need to be in place in order to increase the effectiveness of merit recruitment. They complement SIGMA's Principles of Administration insofar as they incorporate and extend Principle 3 on 'Human Resources Management' together with its indicators and sub-indicators, most of which address the institutionalisation of merit-based recruitment in the civil service.

The lessons presented here are derived from the gaps and obstacles that became evident in the course of analysing recruitment procedures and practices in the region. The study additionally reports cases of good practices in the region that have evidently addressed threats to effective merit recruitment and should therefore serve as points of reference for further reforms in the Western Balkans.

The lessons are drawn from five areas of merit recruitment that also structured ReSPA's 2015 and 2018 merit recruitment studies and which form the basis of the assessment framework, as follows:

¹⁰ These figures are corroborated by other studies of civil service management in the Balkans. In a large survey of nearly 3,000 civil servants in Kosovo*, for example, nearly 50 per cent of civil servants admitted that political connections had helped them obtain their jobs in the civil service. See Meyer-Sahling, J.-H., Schuster, C., Mikkelsen, K.S., Qeriqi, H., and Toth, F. (2018) *Towards a More Professional Civil Service in Kosovo: Evidence from a Survey of Civil Servants in Central and Local Government*. London: British Academy and DfID Anti-Corruption Evidence Programme. <https://nottingham-repository.worktribe.com/output/1648791/towards-a-more-professional-civil-service-in-kosovo-evidence-from-a-survey-of-civil-servants-in-central-and-local-government>

1. The scope for the application of merit recruitment;
2. The conditions for the opening of positions;
3. The public advertisement of vacant positions;
4. The composition and role of selection commissions;
5. The written and oral examination of candidates and the final selection.

Merit recruitment is a complex process consisting of multiple interdependent components. The effectiveness of merit recruitment can thus be undermined if any one of the components of the process is deficient, including even the sub-components. For example, the quality of testing regimes may become largely inconsequential for the outcome of a recruitment process if the advertisement for the job position has previously been tailored to a particular candidate. In drawing lessons, therefore, the assumption of this study is that each lesson needs to be considered individually in order to achieve an improvement of merit recruitment practices.

The study is based on an analysis of legislation and reports by regional experts, including a detailed questionnaire that also informed the previous ReSPA merit recruitment studies. In order to gain a better understanding of recruitment practices across different institutions, the regional experts also conducted interviews with selected senior civil servants in central civil service management bodies, ministries of public administration and a small number of line ministries and subordinate organisations. The interviews were based on a common topic guide and a common template for recording the findings.

The research for this current study was conducted in winter 2019 and spring 2020 just before the COVID-19 pandemic dramatically changed working conditions in the public sector. To address the challenges for merit recruitment arising from the pandemic, each section briefly discusses the initial responses taken by ReSPA members.

Getting the scope of merit recruitment right

The first set of lessons focuses on the scope for the application of merit recruitment procedures by ReSPA members. While laws on the civil service have formally institutionalised merit recruitment for external entry into the civil service, these laws differ in scope throughout the region and, by implication, in the extent to which the employees of public administration are required to pass through merit recruitment procedures. Moreover, some civil service laws themselves may specify that certain groups of employees such as senior managers or temporary contract staff are subject to less rigorous recruitment and selection requirements. As a consequence, the effectiveness of merit recruitment may be diminished because the scope for the application of merit procedures is limited.

When examining merit recruitment in the Western Balkans it is essential to get the scope for the application of merit recruitment right in at least four respects.

- (1) All institutions of the public administration, and by implication all institutions that exercise public authority, must be included within the scope of merit recruitment;
- (2) All positions with managerial responsibilities over ministerial and non-ministerial departments, including civil servants, must be included within the scope of merit recruitment;
- (3) All groups of administrative staff without managerial responsibilities, except for manual and auxiliary staff, must be included within the scope of merit recruitment;

- (4) All groups of temporary and fixed-term staff must be included within the scope of merit recruitment.

The first and most basic threat to the effectiveness of merit recruitment stems from a failure to require all institutions of the public administration to apply merit recruitment procedures. In **Montenegro**, for instance, the Law on Civil Servants and State Employees includes the central public administration, the parliamentary administration, the administration of the presidency and the administration of certain agencies and insurance funds such as the national pension fund. However, the Law does not recognise regulatory authorities as institutions to be included within its scope. This is an important omission, since whether or not a given regulatory authority applies in civil service recruitment procedures depends on there being a special law or statute that establishes the authority to oversee these procedures.

In the Montenegrin case it is estimated that approximately half of the regulatory authorities, agencies and state funds do not require the application of civil service law but follow only the standards and procedures of the labour code. Notable agencies that fall outside the civil service law in Montenegro include the Energy Regulatory Agency and the Agency for Medicines and Medical Devices. There is no general rule that determines whether or not an agency is required to follow the recruitment procedures defined by the Laws on Civil Servants or the labour law.

Similar omissions from the need to apply civil service recruitment procedures can be found in other contexts, most notably in **Serbia** and **North Macedonia**.

The first lesson is therefore that the effectiveness of merit recruitment may be diminished if certain institutions are exempted from the requirement to apply standard civil service merit recruitment procedures.

A second major impediment to effective merit-based recruitment in the Western Balkans is the politicisation of the senior civil service, which has long been a concern of international observers such as the European Commission and SIGMA. In response to this threat there has been a sustained push to formalise the separation of politics and administration as an important step towards depoliticisation. These efforts have been successful in the Western Balkans insofar as political appointees are now generally kept outside the scope of civil service laws while senior management positions have been included within the scope of these laws. As a consequence, senior civil servants are now required to pass through merit recruitment and selection procedures before they can assume their posts.

One of the last remaining exceptions in the region in this regard is the continued appointment of 'acting managers' to the positions of Secretary of the Ministry, Assistant Minister and Director of non-ministerial bodies in **Serbia**. Firstly, candidates for these posts may be appointed as acting managers for three or six months subject to the discretion of the (political) head of the institution. Secondly, although acting appointments may not formally be renewable, they are often renewed in practice. Thirdly, acting appointments are very common; indeed, SIGMA estimates that 50–60 per cent of all senior civil servants were appointed as acting managers between 2015 and 2018.

Recent research conducted in collaboration with the Centre for European Policy in Belgrade on Secretaries of Ministries in Serbia indicates that 50 per cent of these Secretaries were appointed as acting managers in autumn 2019 (to provide a snapshot). Of the Secretaries appointed on a permanent basis following an assessment by the Higher Civil Service Council, *all* had previously been appointed as acting managers. In fact, one of the Secretaries had been appointed as an acting manager on nine(!) consecutive contracts before becoming permanent.

While acting appointments in themselves may not necessarily pose a threat to the principle of merit recruitment, problems arise if acting managers can be recruited from outside the civil service without ever having to pass through a public competition and merit examination. This problem can be addressed by stipulating that acting managers must be selected exclusively from the wide pool of civil servants who have passed through the merit recruitment procedure at least once on entering the civil service.¹¹

To provide an example from the region of ongoing reform in this area, in **North Macedonia** it is also possible to appoint acting managers to senior civil service positions; however, a recent amendment ensures that acting managers have to be recruited from within the civil service. This new arrangement implies that acting managers must have previously passed through merit procedures, thereby ensuring the merit principle is preserved.

The second lesson is therefore that the effectiveness of merit recruitment may be undermined if senior civil servants or other senior staff who manage civil servants do not have to pass through merit recruitment procedures or if they have to pass through less rigorous merit recruitment procedures.

A third way in which merit recruitment can be undermined is if the scope of civil service law fails to adequately cover the appointment of middle-ranking and lower-ranking staff in public administration. In **Bosnia and Herzegovina**, for example, the Civil Service Laws have a relatively narrow scope. At the level of BiH Institutions these laws not only exclude lower ranks in public administration but also technical and support staff such as IT, HR and procurement officials (if they do not have a university degree). These positions are regulated instead by the law on labour in state institutions, which requires lower recruitment standards than recruitment procedures for civil service positions.

While the narrow scope of a country's law on civil service appointments may not necessarily undermine merit recruitment by itself, the door for patronage appointments is opened whenever recruitment standards are lower for staff in positions that fall outside the scope of civil service law. In the case of **Bosnia and Herzegovina**, for instance, the 2018 ReSPA survey showed that only 40 per cent of administrative staff were covered by the country's civil service laws, thus posing a considerable threat to merit recruitment.

The third lesson is therefore that the effectiveness of merit recruitment may be diminished if the vertical scope of civil service laws excludes a large proportion of lower and middle-ranking administrative staff from the need to pass through merit recruitment procedures.

A fourth major threat to the effectiveness of merit recruitment is the exemption of fixed-term appointments and temporary contract staff from the need to pass civil service recruitment procedures, which has been a long-term problem in the Western Balkans. From a merit perspective, temporary contract staff should be treated like all other staff, since if recruitment standards are lowered for these staff then temporary employment opens the door to politicisation and nepotism in the civil service.

Temporary employment in public administration, whether within or formally outside the scope of the civil service, remains a challenge for merit recruitment in the region. In **Serbia**, for example, temporary staff are classified as civil servants but not all categories of temporary staff need to pass through merit procedures. While trainees and temporary staff employed for up to six months to address an increasing volume of work must pass through the standard merit recruitment procedure or be chosen from a list of candidates who have previously passed the civil service examination procedure, temporary staff recruited to replace other civil servants (e.g. to cover a temporary absence) can be employed without the

¹¹ Acting appointments have also been criticised on the basis that they minimise job protection for appointees; however, this criticism does not refer to the mode of recruitment and selection but to the terms of the appointment, which is a different issue.

need for merit procedures. The number of staff recruited on these types of temporary contracts may be small in practice, but in principle the arrangement still reduces the scope for the application of merit recruitment.

In **Kosovo***, managers can employ staff on ‘fixed-term appointments’ for up to six months without these recruits being required to pass through the standard merit recruitment procedure. These appointments are called Special Service Agreements and are regulated by the Law on Obligations. To employ staff on the basis of such agreements, institutions need only apply a ‘simplified’ recruitment procedure, with no further guidance provided by any regulation as to what this means in practice.

The practice of making fixed-term appointments in **Kosovo*** is reported to have increased significantly in recent years. In 2018, indeed, fewer staff were recruited on the basis of the standard civil service merit recruitment procedure than on fixed-term contracts, many of which are said to have been renewed in violation of the legal basis.¹²

With the introduction of the new Law on Public Officials in Kosovo* (a law that was suspended until 1 July 2020 as the current study was being finalised), fixed-term appointments will remain possible but are supposed to be regulated in accordance with public procurement law. Fixed-term appointments will thus become more transparent, although they will still fall short of meeting the standards of merit recruitment into the civil service.

Montenegro provides a contrasting example of good practice in regulating temporary appointments without undermining the principles of merit-based recruitment. While heads of institutions can appoint staff on a temporary basis in exceptional circumstances if standard conditions are met, appointees must be drawn from a list of candidates previously shortlisted but not selected for the position. This is intended to ensure that all temporary employees have previously passed through merit recruitment procedures. As this procedure remains novel in the context of Montenegro, it will require close monitoring by the central Human Resources Management Authority (HRMA) to ensure full compliance. Moreover, there is so far no evidence as to the number of temporary appointments that have been made on the basis of the new regulation. Nevertheless, the arrangement has the potential to reconcile the occasional need for temporary employment with the principle of merit recruitment.

The fourth lesson is therefore that the effectiveness of merit recruitment may be reduced if the appointment of temporary civil servants or temporary employees outside the scope of the civil service does not require the application of basic civil service merit recruitment procedures.

Getting the conditions right for the opening of positions

The second set of lessons focuses on the conditions that need to be met in order to open positions for recruitment, selection and appointment. In the Western Balkans, positions can typically only be filled if they are listed in acts on the systematisation of jobs or in annual staffing plans and if budgetary means are available. Moreover, any job opening must be approved by central institutions such as central civil service management bodies, public administration ministries and ministries of finance.

The ReSPA survey conducted in 2018 showed that the opening of civil service positions by ReSPA members is almost always preceded by the formal approval of central institutions.

¹² Ministry of Public Administration (2019) Report on the situation in the civil service of Kosovo*. <https://map.rks-net.gov.net/desk/inc/media/B38D28D3-7C94-48A0-AD17-2F55659FE14D.pdf>

However, the systematisation of jobs and positions, as well as staff planning procedures, have regularly been identified as major weaknesses of the civil service recruitment and selection process in this region. These weaknesses may even have the potential to compromise the entire process of merit-based recruitment.

Analysing the current situation of external merit-based recruitment in the Western Balkans, it is evident that at least three areas must be addressed in order to get the opening of positions right:

- (1) External recruitment should be based on a systematisation of jobs and positions that cannot be arbitrarily changed to allow institutions to hire new staff at will;
- (2) External recruitment should be based on prior staff planning procedures in order to avoid the ad hoc recruitment of new staff;
- (3) The opening of individual positions or groups of positions for external recruitment should require prior approval, including approval by central civil service management bodies.

First, the systematisation of jobs and positions is commonly required across public administrations in the Western Balkans. This provides the basis for the opening of positions, since only positions recognised in systematisation acts or rulebooks may be filled, while the definition of each position means that only candidates with the matching attributes can be employed. Systematisation acts thus play an important role in determining the kinds of individuals that can be appointed to any position, ideally ensuring that only the best-qualified candidates for each role will be employed. However, systematisation may also be used strategically to tailor positions to particular candidates, thereby rendering the remainder of the recruitment and selection process inconsequential as the winner of the contest is known in advance.

In the Western Balkans, improper use of systematisation has long been recognised as a gateway to politicised recruitment. In **North Macedonia**, for instance, public administration institutions exercise a great deal of discretion in the design and amendment of systematisation acts. Although the Ministry of Information Society and Administration prepares a basic template for the preparation of systematisation acts, including a methodology for the definition of jobs that further require approval by the Ministry after completion by the administrative bodies, no further approvals are required either from the Government or from the Administration Agency that is subsequently in charge of managing the recruitment process.

In North Macedonia there is no limit placed on the number of changes that can be made to systematisation acts, meaning institutions can change them in accordance with their ad hoc staffing needs. Moreover, the flexible method of defining jobs means many positions are only very broadly defined, allowing wide discretion in the appointment of candidates. Job descriptions within systematisation acts are meant to specify the type of degree (level) required and the field of study (e.g. law or economics), but in practice they often under-specify the requirements for a given role, thereby affording managers wide discretion to recruit staff from any background.

Systematisation acts ultimately determine the contents of job advertisements and the formal eligibility criteria for a given position. This means that if job definitions are so broad that anybody can apply it will be unclear to applicants what the job entails and what might be expected of them, while more specific job definitions significantly narrow down the pool of potential applicants for a given job. The inadequate method of job systematisation observed in the case of North Macedonia is by no means unique in the Western Balkans:

systematisation requirements in **Serbia, Montenegro** and **Bosnia and Herzegovina** suffer from similar weaknesses, providing only limited accountability and imposing very few constraints on institutions.

The first lesson in this area is therefore that the effectiveness of merit recruitment requires prior attention to the method of job systematisation, since inadequate systematisation has the potential to derail the process of merit recruitment and selection.

Second, job systematisation processes are supposed to be complemented by staff planning procedures. Such staff planning procedures are not designed merely to increase the efficiency of job recruitment but also to increase the transparency of staff recruitment while at the same time preventing the ad hoc discretionary employment of staff. In the Western Balkans, staff planning is generally required but remains under-developed in practice.

In **Albania**, the country with the most highly developed system of staff planning in the region, planning and recruitment follow an annual schedule. Plans are first prepared in the autumn by the institutions for the Department of Public Administration and a national staffing plan is then completed in the winter, with recruitment into the civil service commencing after the plan is finally approved by the Prime Minister in February. Training in the preparation of staffing plans has been provided to the HR Directorates of administrative institutions by the Department of Public Administration, though in practice the HR Directorates still need greater capacity to comply fully with the planning requirements.

In the other cases, staffing plans are far more basic in scope. In **Kosovo***, institution-level plans focus on alignment with medium-term expenditure plans, while in **Bosnia and Herzegovina** staffing plans merely require the total numbers of positions that might need to be filled in order to facilitate budgetary planning. In **Serbia**, staffing plans have not been completed for several years, though a new planning methodology is currently under development.

In **Montenegro**, staffing plans were introduced in 2011 as part of an earlier civil service reform. However, on several occasions not all institutions have adopted staffing plans and some plans have only been adopted after considerable delays. Moreover, despite a moratorium on external recruitment from mid-2018 to mid-2020, the right to approve the opening of positions on an ad hoc basis has been granted to the Inner Cabinet, which consists of the Prime Minister, Vice-Prime Ministers and the Secretary-General of the Government. As a result, the opening of positions in Montenegro is only determined by staffing plans to a very limited extent.

The second lesson is thus that the effectiveness of merit recruitment requires methods and compliance with staff planning procedures that shape rather than undermine merit recruitment.

Finally, while the systematisation of jobs and the planning of staffing needs constitute the basis for external recruitment, the opening of individual positions and groups of positions still needs to be formally approved by central institutions before these posts can be filled.

To be sure, the partial centralisation of staff planning and systematisation is not without trade-offs, in that it curtails managerial autonomy at the level of individual institutions, which may eventually undermine organisational performance. However, there is no robust evidence yet that provides support for either a decentralised approach or a stronger role for central institutions in staff planning. The assumption in this context is that central checks and balances help shape the appropriate use of managerial discretion at the level of institutions.

In **Serbia**, systematisation acts must be approved by the Ministry of Public Administration and Local Self-Government, the Ministry of Finance and the Human Resources Management Service (HRMS) before being adopted by the Government. The opening of

individual positions then needs subsequent confirmation by the central HRMS (in the case of ordinary civil servants) and by the Higher Civil Service Council (in the case of senior civil servants).

In **Albania**, systematisation acts and the general staffing plan must also be approved by the Department of Public Administration and the Ministry of Finance before being submitted to the Prime Minister for final approval. The opening of groups of positions subsequently requires further approval by the Department of Public Administration. Compared to other ReSPA members, there is less discretion for individual institutions in Albania to change systematisation acts and staffing plans and to recruit new staff at will.

By contrast, in **North Macedonia** the Ministry of Information Society and Administration and the Ministry of Finance must approve the opening of positions, while the Administration Agency is not involved in the approval process. As a result, the Administration Agency plays effectively no role at all in the systematisation, planning and approval process, even though it is subsequently responsible for the administration of the recruitment and selection process. The role of central civil service management authorities in the opening of positions is similarly limited in Montenegro and in Bosnia and Herzegovina.

Job positions in the public administration thus cannot be opened without prior approval by any of the ReSPA members and the approval of individual positions or groups of positions is largely a routine matter that follows the prior approval of systematisation acts and staff plans. However, if systematisation acts can be manipulated and if staff plans are lacking or subject to political discretion, the approval of the opening of positions is no longer a meaningful constraint on politicisation and hence no longer serves as a mechanism to safeguard merit recruitment.

The third lesson is therefore that the effectiveness of merit recruitment benefits from the central approval of systematisation acts and staffing plans before the opening of (groups of) positions in order to keep the discretion of recruiting institutions in check.

Getting public advertisements right

The third set of lessons for improving the effectiveness of merit-based recruitment to the civil service focuses on the role of public advertisements of job positions. Public advertisements are a basic feature of merit recruitment as they are necessary to ensure that citizens have equal access to positions in the public sector. Moreover, public advertisements serve as a tool to reach as large a pool of potential candidates as possible. It is essential, however, that advertisements provide relevant information for applicants and effectively facilitate the process of applying for vacant positions, so as to encourage the largest number of applicants with relevant profiles for the job will apply. By increasing the competitiveness of the application process it is expected that the merit principle will be strengthened.

The public advertisement of job vacancies is compulsory across the civil services in the Western Balkans and the surveys of personnel managers conducted by ReSPA in 2015 and 2018 further confirmed that jobs for external recruitment are usually advertised publicly in practice. While this indicates the legal requirement is indeed being implemented, civil services in the region differ in terms of the mechanisms they have established to ensure the effective advertisement of job openings.

Examining the practice of job advertisements in the Western Balkans, it is evident that there are at least five areas that need to be addressed to make them more effective:

- (1) External recruitment to all positions in the civil service should require the public advertisement of job vacancies;

- (2) Job announcements should reach as many potential applicants as possible through the use of a range of channels of communication, including print media and online social media;
- (3) Job announcements should contain relevant information in order to attract suitable candidates for given roles;
- (4) The application process should be as user-friendly and cost-efficient for applicants as possible.
- (5) Public advertisement practices should be complemented by general outreach activities to promote civil service employment and measures to support applicants during the application process.

The trend in the Western Balkans over the last few years has generally been towards the promotion of internal civil service recruitment. In **Montenegro**, for instance, the latest civil service reform introduced the option of re-assignment, i.e. internal and external transfers, as the main option for filling vacant mid-level positions in public administration. Whenever a vacancy arises, managers are thus required to first explore the possibility of re-assignment. The Human Resources Management Authority assists in the process of internal announcement to facilitate mobility between institutions. If re-assignment proves unfeasible, a position is advertised by the Human Resources Management Authority for candidates from within the civil service. Only when the internal recruitment procedure does not lead to an appointment is the position publicly advertised.

This sequence of transfers and internal advertisements prior to public advertisement is similar across the Western Balkans. While internal recruitment tends to require less rigorous testing of candidates (see below) and an argument could be raised that any advancement to a higher level position should require rigorous testing, internal recruitment helps promote professional careers within the civil service, retains expertise in the public administration and increases the efficiency of the recruitment process. As long as candidates have passed through merit testing when first entering the civil service, internal recruitment is therefore considered to be compatible with the principle of merit recruitment. *The essential condition is that the candidates' initial entry into the civil service must be merit-based.*

In the case of external recruitment, public advertisements are generally compulsory in the Western Balkans, with very few exceptions, including (as mentioned above) the appointment of acting managers in **Serbia**, short-term temporary appointments in the **Republic of Srpska** and at the level of **BiH Institutions**, and fixed-term appointments in **Kosovo***. In the case of Kosovo* these appointments require merely a 'simplified' recruitment procedure with no guidance provided. According to Kosovo's Independent Oversight Board, most fixed-term appointments are made without prior announcement.

Apart from these exceptions, external recruitment in the Western Balkans requires the advertisement of individual positions and groups of vacant positions. In **Albania**, a system of pool recruitment was introduced with the adoption of the most recent civil service law in 2013. This requires groups of vacant positions with similar profiles to be advertised jointly. Testing is subsequently conducted for the group of positions and those who perform best in the examination process can choose their preferred positions. Such pool recruitment has been credited with an increase in the number of applicants in Albania. Moreover, it has been associated with reduced levels of nepotism and politicisation at the point of entry to executive positions in the civil service.¹³

¹³ Meyer-Sahling, J.-H., Schuster, C., Mikkelsen, K.S., and Shundi, A. (2018) *The Quality of Civil Service Management in Albania: Evidence from a Survey of Central Government Civil Servants and Public Employees.*

The new Law on Public Officials in **Kosovo*** also seeks to introduce pool recruitment for institutions of the central administration. However, the central capacity required to implement pool recruitment and examination should not be underestimated. In 2014, Albania was able to build on more than a decade of experience with centralised recruitment and examinations; in Kosovo*, by contrast, the processes of recruitment, assessment and selection are almost completely decentralised and there is little central capacity to build on. A direct progression from decentralised recruitment to a centralised pool recruitment procedure is therefore likely to be very challenging to implement effectively. It may be essential therefore to consider intermediate steps to manage the transition from one system to another.

The first lesson in this area is therefore that selection into all positions of the public administration should precede the public advertisement of job vacancies or the recruitment of candidates from within the civil service who have previously passed through merit recruitment procedures.

Second, civil service laws and secondary legislation define a range of channels through which job openings must be advertised. Advertising through print media outlets with mass circulation, in combination with advertising through online and social media channels, is generally agreed to be the most effective way to reach the largest possible number of potential applicants in a given jurisdiction.

The ReSPA members in the Western Balkans mostly use these channels. At the level of **BiH Institutions**, for instance, job vacancies must be advertised on the website of the Civil Service Agency and in three newspapers with countrywide circulation. In order to address the limited reach of standard job adverts, the Civil Service Agency has recently begun to make use of social media channels such as Facebook, Twitter and LinkedIn to advertise job vacancies.

Similar efforts are evident in **Albania**, where job vacancies are advertised on the websites of the Department of Public Administration and the National Employment Portal, as well as on the websites of the institutions seeking to fill vacancies. The Department of Public Administration also actively uses social media channels to increase the reach of its job adverts and has gained 16,000 followers on its Facebook page alone. The professionalisation of job advertisements in Albania has gone hand-in-hand with an increase in the number of applications: between 2015 and 2018, for example, the number of applicants per vacancy doubled from 11 to 22. This increase coincides the efforts undertaken by the Department of Public Administration to extend the reach of job advertisements.

The channels used for the advertisement of job vacancies are similar for other ReSPA members, although there remains scope to expand the use of online and social media channels in some ReSPA members. In **North Macedonia**, for instance, online channels are largely limited to the website of the Administration Agency, and the Agency does not yet use social media channels to disseminate job vacancies. This also applies to the central civil service management authorities in the **Republic of Srpska** and in **Kosovo***.

Although no scientific evaluations have yet been undertaken to assess the impact of social media channels on the number and profile of applicants to civil service positions, the rationale behind the use of social media by civil service managers in Bosnia and Herzegovina and in Albania is that using these channels increases the visibility of job vacancies and attracts a larger proportion of young applicants to the civil service.

The second lesson is therefore that the effectiveness of merit recruitment will be supported if job vacancies are advertised through a range of print, online and social media channels in order to reach as many potential applicants as possible for a given role.

Third, the contents of job advertisements are regulated across the Western Balkans by civil service laws, regulations and rulebooks that typically provide little room for discretion. The common concern that job advertisements may be tailored to particular candidates also applies to the Western Balkans; however, the root of this concern relates to the tailoring of systematisation acts rather than to the manipulation of the contents of job advertisements.

The contents of civil service job advertisements across the region are aligned with job descriptions derived from systematisation acts. In addition, job advertisements provide information about the documents that applicants require and details about the process of testing. In some ReSPA members, including **North Macedonia**, job advertisements also specify the ethnic affiliation required for certain appointments.

Despite these regulations, concerns are regularly raised regarding the quality of the information presented in job advertisements. This is important because the nature of the information in job advertisements plays a role in determining the type of candidates who apply. In **Albania**, for instance, job descriptions and essential and desired qualifications are often considered too broad to serve the purpose of informing potential candidates whether or not the role is suitable for them. Similarly, job advertisements in **North Macedonia** are often framed so broadly that potential applicants do not know what kind of job they are applying for. In short, there is a general need in the region to re-consider the content and style of job advertisements in order to attract talent to civil service jobs.

The third lesson is therefore that the effectiveness of merit-based recruitment may be diminished if job advertisements fail to provide relevant information for potential applicants and if the style of the advertisements is insufficiently attractive for potential applicants.

Fourth, several Western Balkans have invested in efforts to increase the efficiency and user-friendliness of the application process for positions in the civil service. **Albania** has made most progress in this area, having introduced an e-recruitment system that combines advertisements for internally and externally available jobs in the civil service with a platform for submitting the documents needed as part of the application process. Applicants can now register their details on the portal and upload the relevant documents before choosing the positions for which they would like to apply. The e-recruitment system then feeds directly into the pre-screening process that forms the first part of the testing procedure. Applicants' details and documents remain stored on the system, making it easier for them to apply for other jobs in the future.

In **North Macedonia**, e-recruitment was formally established with the new Law on Administrative Servant, although such recruitment was introduced in practice back in the mid-2000s.

In Serbia, Bosnia and Herzegovina, Montenegro and Kosovo*, there are still no central portals for the submission of job applications. In **Montenegro**, for instance, applicants must send or deliver a hard copy of their application to the Human Resources Management Authority. Email submissions have only recently become permissible in response to the COVID-19 crisis (see below). In **Bosnia and Herzegovina**, applicants must send hard copies or email files to the central civil service management body for compilation and formal pre-screening. In **Serbia**, applications must be sent by mail or email to the central Human Resources Management Service, the Higher Civil Service Council, or the administrative body that seeks to fill the vacancy, depending on the position and guidance of the selection commission. In **Kosovo***, hard copies of documentation are directly sent to the HR unit of the recruiting institution.

The user-friendliness of the application process may be further undermined by the costs involved in providing the required documentation. In **Albania** it is sufficient to submit copies of official documents and to present originals or certified copies in the event of being selected. By contrast, at the level of **BiH Institutions** all candidates must submit certified copies of documents such as university degrees and their citizenship papers, while additional certificates are required by short-listed candidates regardless of the outcome of the interview process. The need to provide certified copies adds considerable costs for applicants and thus decreases the size of the pool of applicants.

The fourth lesson is therefore that the effectiveness of merit recruitment can be enhanced if e-recruitment tools are established in order to increase the user-friendliness of the application process and to lower the costs of applications associated with the submission of certified documents.

Fifth, the public advertising of positions also benefits from general measures to promote employment in the civil service and to assist candidates with the application process. In this respect **Albania** has led the way in the region. The country's Department of Public Administration has invested in outreach work by participating in job fairs and presenting the benefits of civil service careers at public and private universities. Moreover, the Department of Public Administration has also prepared online guidance, including videos and slideshows to help candidates complete their applications.

The other ReSPA members have not yet engaged in these kinds of outreach activities, but they will need to start to thinking about undertaking such initiatives to prepare for future competition for talent in the labour market. Although it is difficult to gauge the extent to which these outreach measures improve the number and quality of applicants, common sense suggests that it is good practice to increase the effectiveness of the merit recruitment.

In terms of support for applicants, most ReSPA members provide at least some basic materials such as instructions on how to apply and how to avoid mistakes in the application process. **Montenegro** has recently launched a new initiative that is relevant in this regard, with its Human Resources Management Authority setting up a form of call-centre that applicants can use if they have questions or need support during the application process.

The fifth lesson is therefore that the effectiveness of merit recruitment can be enhanced by developing and rolling out outreach measures to increase the attractiveness of civil service employment and to support applicants during the application process.

Getting selection commissions right

The fourth set of lessons focuses on the composition and professional competence of selection commissions in the civil service recruitment process. Independent commissions play a critical role in the examination and selection stages of this process with the aim of ensuring equal treatment of candidates and effective screening of skills and competences to identify and select the best-qualified candidate for a given role. Merit-based recruitment requires that the formation and operation of such selection commissions be independent and free from political interference.

The formation of selection commissions is required across the Western Balkans with only very few exceptions. This is reflected in the findings of the ReSPA survey of personnel managers conducted in 2018, which indicated that commissions are almost always formed when a candidate is to be selected for an expert or senior-level civil servant position.

However, from examining merit recruitment in the Western Balkans it is evident that getting selection commissions right requires at least the following four conditions:

- (1) External recruitment to all positions in the civil service should require the formation of a selection commission to oversee the recruitment process;
- (2) Selection commissions should include representatives from central civil service management bodies;
- (3) Selection commissions should include external experts (e.g. from academia and civil society);
- (4) Members of selection commissions should receive training in order to acquire the professional competencies they need to perform their roles.

First, selection commissions are required for almost all positions across the central public administration in the Western Balkans. Exceptions include the appointment of acting managers at the top of the civil service in **Serbia**, fixed-term appointments made through Special Service Agreements in **Kosovo***, and short-term temporary contract staff in **BiH Institutions** and the **Republic of Srpska**. All other categories of administrative staff in the Western Balkans require the formation of selection committees; indeed even the selection of staff employed on the basis of labour laws in ReSPA members such as Bosnia and Herzegovina usually requires the formation of a selection commission

It should be noted here again, however, that the formation of selection commissions is not required in the case of appointments for certain categories of administrative staff, including internal and external transfers of staff in several contexts and the appointment of State Secretaries in North Macedonia. However, reliance on the internal recruitment of staff implies that candidates must have previously undergone standard merit recruitment procedures when first entering the civil service, including assessment by independent selection commissions.

The first lesson in this area is therefore that commissions should be formed for the selection of all categories of new staff recruited from outside the civil service.

Second, the composition of selection commissions varies across the region. To begin with, the number of members on these commissions varies as follows: **Kosovo***, **BiH Institutions**, **the Republic of Srpska** and **Albania** have five members on selection commissions; **North Macedonia** has four; and **Serbia**, **the Federation of BiH** and **Montenegro** have three. Having a larger number of commission members can potentially increase the quality of decision-making, since more members from potentially diverse backgrounds contribute to a better-informed decision. However, there is no evidence that having a larger number of committee members leads to better decisions on recruitment. What is essential here is to look at the institutional background of committee members.

In order to monitor commission decision-making and ensure its consistency and impartiality, a key parameter is the presence of one or more delegates from central civil service management bodies. Without such representation there is greater risk that commission decision-making will be inconsistent and biased, further enabling discretionary selection by the recruiting institutions.

As a case of good practice, selection commissions in **Albania** must include one representative from the central Department of Public Administration, two independent experts from outside the civil service (see also below), and two mid-level managers from within the civil service. Given the use of pool recruitment and the examination procedure in Albania, the two mid-level managers on the commission are not necessarily from the institutions seeking to fill a vacancy. In this way the influence of the recruiting institutions is diminished and the risk of bias and temptation to exercise discretion on the part of the

recruiting institutions is minimised. At the same time, commission members have a built-in incentive to act impartially in the examination and selection process.

Arrangements for the composition of commissions in **Kosovo*** are at the other end of the spectrum. There is currently no central representation on selection commissions, which comprise five members from the same recruiting institution who are appointed by the General Secretaries of ministries or the General Directors of agencies. In practice this means that institutions can largely recruit and select as they wish, especially as there is no central monitoring and no mechanism in place to ensure the consistency of the examination process.

Kosovo*'s new Law on Public Officials, which is still suspended at the time of writing, envisages the establishment of permanent selection commissions with two-year mandates to operate pool recruitment and conduct examination procedures. These commissions will include one member from the Department for the Management of Public Officials, which will in the future become the central civil service management body. The implementation of this measure will thus address one of the current weaknesses of the selection commissions in Kosovo*.

Arrangements for the composition of selection commissions in **Montenegro, North Macedonia** and **Serbia** are relatively more robust than in Kosovo*, though less effective than arrangements in Albania. For example, commissions in Montenegro must include at least one member from the central Human Resources Management Authority, while in North Macedonia they must include one member from the Administration Agency, and in Serbia commissions must include one member from the Human Resources Management Service. These central delegates are inevitably in a voting minority, however, in addition to which the commissions tend to include the prospective superior of the candidate undergoing the examination process. Evidence from personal interviews with participants and external observers indicates that central delegates tend to be much less influential as a result, while the representatives of the recruiting institutions, i.e. primarily the future superiors of the candidates, dominate the selection process. As a result, it is frequently argued that selection commissions lack impartiality and are subject to bias.

There is no robust evidence as to whether selection commissions operate more impartially when central civil service management bodies are granted a voting majority, though the Albanian experience points in that direction. As an alternative option, ReSPA members might consider forming assessment commissions to pre-screen and filter the number of candidates to a much greater extent before they are interviewed by selection commissions. Such assessment commissions should further ensure equal representation for central management bodies and managers from recruiting institutions.

The second lesson is therefore that the effectiveness of merit recruitment may be diminished if central civil service management bodies are not adequately represented on selection commissions.

Third, the role of independent external experts on commissions has become more prominent in recent years. Such experts can play a key role in providing subject-specific expertise and increasing the transparency and accountability of the examination and selection process. The participation of external experts also has the potential to increase the consistency and impartiality of selection commissions.

In **Albania**, again a case of good practice in this respect, two external experts sit on the selection commission for executive-level civil service positions. In the process of appointing these experts the Department of Public Administration first issues a call for applications, drawing primarily from members of academic institutions across Albania. Following successful application, the candidates are selected by the Department of Public

Administration and must undergo training before they are deployed. Their allocation to selection commissions depends on the types of positions that have been advertised and in accordance with a rota drawn up before the conclusion of the staff planning process. The role of external experts on commissions in Albania has thus been regulated and professionalised over time.

Montenegro has recently followed a similar path, requiring the participation of an external expert in a selection panel of three members. The role of external experts on selection commissions is defined by a government regulation on the testing procedure. The Human Resources Management Authority issues one call per year and forms a commission that selects experts on the basis of clearly defined criteria. The selected experts are subsequently allocated to commissions based on their expertise. One of the features of the current list of experts in Montenegro is that a large proportion of them are drawn from within the public sector, including the civil service, although the list of experts has not (yet) been made public. The external accountability of expert participation on selection commissions in Montenegro is thus somewhat limited.

In **Kosovo***, external experts have for many years been involved in the selection of General Secretaries. One expert is drawn from local academia and a second expert is selected from a list of civil society organisations. The selection and allocation of external experts is not subject to separate regulation, however, raising concerns as to the transparency and effectiveness of the participation of external experts in senior civil service selection commissions.

A recent international project funded by the UK Embassy in Pristina sought to promote the role of civil society organisations in the selection of senior civil servants in public administration in Kosovo*. This project organised parallel examination and selection processes conducted by external independent experts and compared the results of the examinations with the results of the standard examination processes. In addition, the results of both the standard and the parallel examination processes were made public and open to scrutiny by civil society organisations.

The Balkan Investigative Reporting Network in Kosovo* has published several articles and a study to evaluate Kosovo*'s senior civil service examination and selection processes. The findings of this civil society organisation's investigations revealed regular violations of the merit principle in the standard examination and selection processes.¹⁴ In particular, the participation of external experts and civil society organisations has helped increase the transparency and publicity of the examination and selection process. In **Bosnia and Herzegovina**, the role of external experts is regulated and is a part of the recruitment process, and, for senior civil servants, in **Serbia**. In **North Macedonia** there are no seats for external experts on selection commissions as yet.

The third lesson is therefore that the participation of external experts from academia and civil society has the potential to increase the effectiveness of merit recruitment procedures.

Fourth, ReSPA members have continuously invested in the professionalisation of selection commissions over the past four or five years, especially in **Albania**, where commission members are appointed for one-year terms in order to create continuity and to develop expertise in their roles. Moreover, both the external experts from academia and the mid-level

¹⁴ BIRN (2018) Unqualified but politically connected candidates are still being picked for senior positions in Kosovo's public sector. Available at:

<https://balkaninsight.com/2018/10/05/political-affiliation-still-a-job-qualification-in-kosovo-10-03-2018/>

managers who serve on the selection commissions receive training prior to assuming their roles. This professionalisation of selection commissions has increased both their effectiveness and the consistency of their work.

Selection commissions used by other ReSPA members are not permanent. However, the delegation of members from central civil service management bodies, where this applies, does provide for some degree of continuity in the examination and selection process. Moreover, Bosnia and Herzegovina and Serbia have both invested efforts in training members of commissions. At the level of **BiH Institutions**, nearly 600 experts from the ranks of the civil service have been trained to conduct competence-based interviews during the oral phase of the examination (see below), while in **Serbia** a recent reform has led to the provision of training by the National Academy of Administration for over 600 senior civil servants in competence-based examinations and performance evaluations. Moreover, the Human Resources Management Service in Serbia has collaborated with the German development agency GIZ to prepare manuals on how to conduct interviews in the context of the new examination procedure (see also below). The quality and consistency of the examination process in Serbia is expected to improve as a result of these efforts.

Training initiatives have also been launched in **North Macedonia** and **Montenegro**, including the development of manuals to provide guidance for members of commissions. Although these initiatives are still at an early stage of roll-out, they promise to enhance the professionalisation of selection commissions in both countries. Concerns have been raised, meanwhile, that the level of staff fluctuations in North Macedonia undermines the effectiveness of training.

Only **Kosovo*** does not yet provide any training for members of selection commissions in the region, though the new Law on Public Officials does envisage training for future commission members.

The fourth lesson in this area is therefore that the training of members of selection commissions is essential for increasing the effectiveness of merit recruitment.

Getting examinations and the final selection right

The final set of lessons focuses on the role of written and oral examinations in determining the final selection of candidates for positions or careers in the civil service. Written and oral examinations are among the hallmarks of merit-based recruitment, serving as crucial means to screen the knowledge, skills and competences of candidates. It is therefore essential that examinations generate relevant information for selectors, since if this information is insufficient or is irrelevant for the job it will not assist in the process of selecting the right candidate for a position.

In addition to screening, examinations play a wider role in signalling to applicants that the recruitment and selection process is conducted professionally and impartially rather than on an ad hoc, discretionary and potentially politicised basis. Examinations thus play an essential role in making merit-based recruitment effective.

Both oral and written examinations are widely institutionalised in the Western Balkans. The 2018 ReSPA survey showed that personal interviews are almost always used when filling positions, while most though not all ReSPA members also conduct written tests to screen the knowledge, skills and competencies of candidates.

Research findings on merit recruitment in the Western Balkans clearly indicate that it is essential to address at least the following five areas in order to get examination systems right:

- (1) External recruitment to all positions in the civil service should require that candidates have passed a written and oral examination;
- (2) Written and oral examinations should generate relevant information for the selection of the best-qualified candidates for a given role;
- (3) Written and oral examinations should be conducted and scored in a consistent and impartial manner;
- (4) The outcomes of written and oral examinations should determine the final selection and appointment of candidates;
- (5) The examination outcome and process should be open to meaningful external scrutiny and appeal.

First, there are only a few cases in the region in which external recruitment does not require any examination at all or requires only a personal interview. Cases of external recruitment requiring no examination at all include the appointment of acting managers at senior civil service level in **Serbia**, short-term temporary appointments in **BiH Institutions** and the **Republic of Srpska**, and fixed-term appointments in **Kosovo***. These are exceptional positions which, as elaborated earlier, are largely exempt from the application of merit-based recruitment procedures.

Likewise, there are only a few cases of external recruitment processes in the region that do not require candidates to pass a written examination (or any other form of non-oral examination, since computer-based tests mostly do not require candidates to actually write anything). In the **Republic of Srpska**, for example, written examinations for entry are still not applied, with candidates only having to pass a general civil service entry examination administered by the Civil Service Agency before they can apply for a vacant position. However, a civil service law currently undergoing revision will introduce compulsory written examinations at the point of entry for all appointments to the civil service.

In addition, written examinations are not applied for the recruitment, including the external recruitment, of General Secretaries in **Kosovo*** at the very top of the civil service hierarchy. However, the new Law on Public Officials will fill this gap in the merit recruitment infrastructure.

Serbia and Montenegro have both recently expanded the scope of written entry examinations for the civil service. **Serbia**, most notably, introduced competency-based written examinations following the amendment of the civil service law in 2018. The relevant bylaw regulates in detail the list of competencies that may be tested, the meaning of each competency and the scoring criteria for each competency. The examination is managed by the Human Resources Management Service, which has expanded its capacity to perform the examination and selection function.

As part of its 2017 civil service reform, **Montenegro** also expanded the scope for the application of written examination to senior civil servants. A rulebook now defines the competencies to be tested by the examination and further work on the definition of scoring criteria is underway. The application of the competency framework to the assessment of ordinary civil servants is subject to further reform.

The first lesson in this area is therefore that the effectiveness of merit recruitment may be diminished if certain positions in the public administration can be filled by candidates from outside the civil service who do not have to pass or have never passed through merit recruitment procedures.

Second, one of the main threats to merit recruitment is related to the quality of information generated by the examinations in the region. In this regard **Serbia's** recent reform has the potential to become a case of good practice. The focus on competencies provides

comprehensive information about candidates and the extent to which they match the requirements of vacant positions. General functional competencies are tested using a computer-based examination, while specific functional competencies related to the vacant position are tested using simulations, case studies and other qualitative methods. However, the link between competencies and the definition of job descriptions in systematisation acts remains a work in progress, as there are still a few institutions that have not aligned the systematisation acts with the competency framework. Moreover, the informativeness of any competency-based examination depends of course on the quality of the competency framework that underlies the examination procedure.

Albania introduced written examinations in the early 2000s after the adoption of the 1999 civil service law. Since the 2013 civil service reform and the introduction of the pool recruitment procedure, examinations have been adapted to test both general and position-specific knowledge and skills. The examination is administered by the Department of Public Administration and relies on multiple-choice questions selected from a large database of exam questions. Candidates have to score over a certain threshold in order to progress to the oral part of the examination.

As an example, from Albania's examination of position-specific skills and knowledge, the database of questions for positions with responsibilities in the area of human resources management consists of approximately 150 questions. The Department of Public Administration publishes a bibliography of books that candidates can use to prepare for the examination. As multiple-choice questions, the exam questions cannot effectively test the competencies of candidates; however, they do require a considerable degree of subject expertise. Moreover, the pass rate is around 65 per cent, which suggests that the examination establishes a basic filtering mechanism before candidates can proceed to the personal interview stage.

In the other cases, written examinations are subject to more criticism. In **Montenegro**, the **Federation of Bosnia and Herzegovina** and the **BiH Institutions**, candidates have to pass both a general and a job-specific examination. The general examination is always a multiple-choice computer-based examination, while the job-specific examination is prepared by the recruiting institutions in both Montenegro and the BiH Institutions to allow for simulations and essays. In the Federation of Bosnia and Herzegovina the job-specific examination is also multiple-choice based. In Bosnia and Herzegovina these practical examinations are set on the day when the examination takes place, with little guidance and no clear framework underpinning the design of the questions.

In **North Macedonia**, the written part of the examination consists merely of a general knowledge examination and a foreign language test. The language test was recently introduced in order to replace a personality test that was considered redundant. The components of the North Macedonian test indicate that the written examination may score highly in terms of consistency (see below) but is ineffective in providing relevant information about the candidate's aptitude for the specific position in the civil service for which they are applying. The written examination thus serves only as a very general filter and health check before candidates proceed to the personal interview.

Quality of information is also widely seen as a challenge for the personal interview part of civil service examinations in the Western Balkans. Most recently, the **BiH Institutions** invested in the development of competency-based interviews as an innovation for the region. Competency-based interviews provide a framework for the design of interview questions as well as criteria for scoring answers.

Although no scientific evaluations have yet been conducted of competency-based interviews, the qualitative evidence collected from Bosnia and Herzegovina suggests that

interviews have become more effective than in the past and that they now make a valuable contribution to the selection of candidates. However, one of the main limitations of competency-based interviews remains a lack of alignment with job descriptions and systematisation acts.

In the other ReSPA members of the region the value of interviews tends to be more questionable. In **Kosovo***, for instance, there is still no guidance on the conduct of interviews, with the exception of interviews for senior management positions. Committees prepare questions on an ad hoc basis. Interviews are often argued to repeat questions that have already been covered by the written tests. As a consequence, the interviews do not provide new information that could be useful for the assessment of candidates.

In **North Macedonia**, similarly, there is little guidance for committee members on how to conduct interviews. The broadness of the job descriptions contained in systematisation acts and job advertisements means there is little direct guidance for the design of interview questions. Moreover, the training of committee members is still at a very early stage (see above). Recruiting institutions have just recently started to provide lists of correct answers for the questions they prepare, but this is not yet a general practice.

The second lesson is therefore that the effectiveness of merit recruitment depends crucially on the quality of information provided by written and oral examinations.

Third, in addition to the quality of information generated by exams, the effectiveness of examinations is vulnerable due to lack of consistency, objectivity and impartiality. In response to international concern about the perils of politicisation, recent reforms in the Western Balkans have paid more attention to problems of consistency in civil service exams than to the problems of information discussed above. Most ReSPA members have taken measures to enhance consistency, especially in regard to written examinations. In **Albania, Serbia, Montenegro, Bosnia and Herzegovina** and **North Macedonia**, written examinations are now primarily computer-based, and consistency is achieved by randomly selecting questions from large databases of exam questions.

For the job-specific part of the written examination in **Montenegro**, for example, committees are required to prepare ten job-specific tasks, two of which are randomly selected by the selection commission shortly before the examination takes place. As a result, the risk of exam questions being leaked to candidates is reduced.

However, the problem of consistency has not yet been addressed everywhere. In the system that is currently still operated in **Kosovo***, exam questions are prepared on an ad hoc basis by the HR units of the recruiting institutions with little guidance from the former Ministry of Internal Affairs and Public Administration on how to design them. Nor is there much guidance or central involvement in the design of examinations. As a result, it has been claimed that examinations are often inconsistent and prone to the risk of being tailored to particular candidates.

Consistency in the oral part of the examinations is a greater challenge. Prior to the introduction of competency-based interviews in **Bosnia and Herzegovina** (see above), there were major concerns regarding the impartiality of interviews due to the lack of clear frameworks for the conduct and scoring of oral examinations. In **Serbia**, the new competency-based assessments provide a more systematic framework for the conduct and evaluation of interviews, though it remains to be seen whether the perceived consistency and impartiality of interviews will increase compared to the period before the recent reform came into effect.

In Montenegro and Albania, guidance is provided for selection commissions when preparing and scoring interviews. However, the interviews are still seen as the weakest link of the merit

recruitment and selection process. In **Albania**, for instance, committee members may lack sufficient expertise to conduct effective interviews. In **Montenegro**, proper guidance is only provided for recruitment into senior civil service positions. In **North Macedonia** and **Kosovo*** there is very little guidance for committee members, as a result of which interviews are often argued to lack consistency and objectivity.

The third lesson is therefore that effective merit recruitment requires the presence of a systematic guidance (e.g. manuals) to formulate questions for written and oral tests and a systematic method for the scoring test answers in order to ensure consistency.

Fourth, ReSPA members differ in the extent to which the written and oral examinations determine the final selection of candidates. **Albania** stands out in terms of its reliance on pool recruitment and examination, with candidates first completing the written and oral examination for a pool or group of positions before being ranked by score. The highest-ranking candidate is then given the first choice of the vacant positions, while the second highest-ranking ranked candidate is given the second choice, and so on until all the vacant positions have been filled.

There are two key advantages of this pool recruitment and examination procedure: first, it rewards winning candidates with a choice of positions; and, second, it eliminates institutions from the selection process and thus reduces any temptation to use or abuse their discretion in choosing candidates.

Examination procedures at the level of **BiH Institutions**, in **Kosovo*** and in **North Macedonia** are more traditional in that the winner of the examination process must be selected for the vacant position. On paper this means there is no discretion for decision-makers after the examinations have been completed. In **Serbia**, the most recent reform also introduced a requirement for the head of the institution to appoint the winner of the examination process.

By contrast, examinations in **Montenegro** do not necessarily determine who precisely will be appointed to the advertised position. Instead, senior managers such as the Secretary of the Ministry are given a shortlist of three candidates from which to choose. In the past, if the top-ranked candidate was not picked then the head of the institution was required to give a written explanation. However, this requirement no longer applies under the current regulation and thus senior managers are given discretion at the end of the recruitment and selection process.¹⁵

As final decision-makers, moreover, senior managers in **Montenegro** are required to have a 'conversation' with the three short-listed candidates. This conversation is de facto an additional interview after the completion of the standard examination procedure. Given the discretion of senior managers to pick from a list of three, the conversation is potentially very important for the final selection of candidates. However, the conversation is not formally part of the examination procedure and there are no guidelines either for the conduct of such conversations or the scoring of candidates in this stage.

Finally, in the **Federation of Bosnia and Herzegovina** the connection between the outcome of the examination and the final selection of candidates is even more blurred. At the end of the examination process the selection commission lists the candidates who have passed the examination in alphabetical order. The head of the institution who is tasked with the final selection is not given further information regarding the performance during the examination, though they have the option of conducting an additional interview with those candidates who passed the examination. This list can contain up to 20 candidates. As a

¹⁵ The same approach is taken for the selection of senior civil servants in Bosnia and Herzegovina and in Serbia.

consequence, the outcome of the examination has very little influence on the final selection of candidates.

In short, the effective merit recruitment of civil servants requires that the winner of an examination process should be selected for a given role. This requirement is most plausible for the recruitment of non-managerial civil servants and has traditionally also been advocated for **civil servants in managerial ranks**. However, the selection of senior civil servants requires greater attention to the tension between the principles of neutral competence and political responsiveness towards the political leadership of executive institutions. Accordingly, there may be scope for granting ministers at the top of executive branch ministries the discretion to choose from a list of two or three candidates who have previously gone through rigorous merit-based testing procedures. However, the risk of politicisation creeping down the hierarchy is undeniable and an inevitable trade-off when seeking to accommodate the principle of political responsiveness during the recruitment of senior civil servants.

The fourth lesson is therefore that the effectiveness of merit recruitment may be diminished if the examination process does not determine the final selection of candidates for a given job or career.

Finally, the effectiveness of written and oral examinations also depends on whether the procedures allow for scrutiny and effective appeal. Transparency and the possibility for scrutiny of examinations remain important challenges for the Western Balkans. Insofar as written examinations are computer-based and rely on multiple-choice questions, they provide information for the process and outcome to be monitored by the candidates, the media and civil society organisations concerned with monitoring the public administration.

The transparency of interviews is considerably more problematic. In particular, interview processes in **North Macedonia** and **Kosovo*** not only lack clear guidance but also do not provide information that could be made available for the purposes of monitoring and appeal. The Law on Public Officials in Kosovo*, which remains suspended at the time of writing, will partially rectify this lack of transparency by allowing civil society and trade union representatives to sit as observers on selection panels.

In **Montenegro**, efforts have been made by civil society organisations to file freedom of information requests in order to better understand what kind of questions have been asked during the conversations (see above) following the completion of the examination process. In some cases, however, no minutes of these interviews were kept, while in other cases the minutes were very general and did not provide sufficient information for effective external monitoring and hence accountability.

Some ReSPA members have started to experiment with the audio-recording of interviews as an alternative means of monitoring to the scrutiny of interview minutes and exam results. In **Albania**, candidates at senior and specialist level can ask their job interviews to be audio-recorded. Because all interviews have been moved online since the COVID-19 crisis struck, all interviews are now audio recorded unless the candidates opt out of the recording option. The opportunity for improving transparency and external accountability has therefore significantly increased. **Serbia** has also introduced the option of conducting interviews online in the context of the COVID-19 crisis, though interviews are not recorded at present.

At the level of **BiH Institutions**, the Ministry of Defence requires the video-recording of recruitment procedures for soldiers. While soldiers are not covered by this study of public administration, such video-recording does provide a possible approach for increasing the transparency of interview processes and give greater potential for more effective appeals against the outcome of interviews. Some of the adaptations made in response to the

COVID-19 crisis have arguably raised the prospect of recording interviews in the future, as it is a small step from conducting interviews online to recording them.

Although appeals against the outcomes of examinations are possible across the region. if the information available from the examination process is weak then the appeal processes cannot be effective. Moreover, if information cannot be made available to unsuccessful candidates, the public cannot hold the civil service accountable. Providing comprehensive minutes, audio recording, and including the participation of third parties such as civil society organisations, academics or independent oversight boards (e.g. Kosovo*) are therefore essential in order to increase the transparency and external accountability of the examination and selection processes.

The fifth lesson is therefore that the effectiveness of merit recruitment can be enhanced if written and oral examination processes and outcomes are transparent and subject to meaningful external scrutiny and hence appeal.

Outlook: Reform plans, ReSPA support, and the role of COVID-19

This study has drawn **21 lessons** from and for the Western Balkans on how to make merit recruitment work better in the civil service. The lessons were derived from previous ReSPA studies of merit recruitment in 2015 and 2018 and are grouped in the following five areas: the scope for the application of merit recruitment procedures; the conditions for the opening of positions; the conditions for effective public advertisement of job vacancies; the conditions for the formation of impartial and professionally competent selection commissions; and the conditions for effective written and oral examinations prior to selection for a given role or career in the civil service.

The lessons have been integrated into a **self-assessment framework** for merit-based recruitment in the Western Balkans. They can be conceptualised as conditions that need to be in place to improve merit recruitment practices and threats that may undermine the effectiveness of merit recruitment procedures. Policy-makers can thus reflect upon merit recruitment practices in their country, consider reform measures for the future, and engage in knowledge-exchange with their counterparts in other ReSPA members.

The lessons are not meant to prescribe a particular model for the design and implementation of merit recruitment procedures. Rather, the focus on conditions and threats allows for different institutional arrangements. This takes into account the fact that ReSPA members may want to choose and develop their own institutional approaches to reach the desired goal of establishing effective merit-based recruitment in law *and* practice.

This raises the question of how the self-assessment framework should be taken forward.

Civil service management authorities across the region are currently engaging in a range of evaluations, updates and **strategic reviews**, as well as the preparation of new reform strategies and the drafting of new laws. In Montenegro, for instance, the Human Resources Management Authority is currently preparing a strategic review of the Law on Civil Servants and State Employees that came into force in 2018, which will provide an opportunity to upgrade and improve recruitment procedures.

By comparison, in North Macedonia the Ministry of Information Society and Administration is preparing an amendment of the Law on Administrative Servants, in the context of which current recruitment practices are being evaluated. In Bosnia and Herzegovina, the BiH institutions and the Federation of BiH are preparing a new reform strategy, while the Republic of Srpska is drafting an amendment of its Civil Service Law. In Kosovo*, finally, the

constitutional court ruled on 2 July 2020 that the new Law on Public Officials would come into force with immediate effect. However, many bylaws have not yet been drafted or adopted, implying the need for a considerable amount of in-depth work on how to ensure the new recruitment procedures are effective.

Each of these examples provide opportunities for reflection and improvement of merit recruitment procedures. Several aspects of the self-assessment framework depend on the initiative of central civil service management authorities and might require only minor, if any, formal-legal changes. For instance, the training of commission members and the development of support material for applicants to facilitate the application process can usually be done without the need for any formal-legal change. By contrast, changes regarding the scope of the civil service laws or the requirement for acting managers to pass through merit recruitment procedures are likely to be more difficult to change, requiring higher level political support and potentially also parliamentary approval.

Given its mission to promote and facilitate regional cooperation in the area of public administration reform, **ReSPA** can play an important role in following up the results of the self-assessments, especially insofar as they generate opportunities for learning among ReSPA members. First, ReSPA provides in-country support, mobility support and peer-to-peer learning. The experience with e-recruitment in Albania and North Macedonia provides an example of good practice for other ReSPA members that have not yet established e-recruitment systems. Similarly, the experience with competency-based examinations and interviews in Serbia and the BiH Institutions have the potential to become cases of good practice from which other ReSPA members can learn.

Second, ReSPA provides support for regional activities and the dissemination of best practices. The evaluation of recruitment practices indicated that certain areas of recruitment such as staff planning tend to pose a challenge in almost all ReSPA members. ReSPA is in a position to initiate regional activities for analysis and support of its members. It is also evident that Western Balkans can draw many useful lessons from new and older EU member states. Lesson-drawing activities should therefore in future include good practices from new EU-member states to inform the next generation of reform measures, especially for ReSPA members such as Albania that have already established high quality merit recruitment systems.

Finally, the question arises as to what effects the **COVID-19** pandemic has already had and is likely to have on merit recruitment procedures and practices in the Western Balkans. COVID-19 provides a powerful reminder of the importance of public administration capacity for the delivery of public goods and services, but also presents a major challenge for public administration itself. The codes and tasks of many institutions have been changed and re-focused almost overnight and the working practices in public administration have changed dramatically. For example, working from home and teleworking are among the most obvious changes that have occurred during the last few months.

COVID-19 rapidly affected recruitment practices in the Western Balkans. At the beginning of the outbreak all ReSPA members stopped the advertisement of job vacancies and the examination and selection of candidates. However, within a short period of time responses started to diverge. Albania was the first to restart recruitment in April, advertising new job vacancies on the central online portal of the Department of Public Administration. Examinations, which are usually computer-based but conducted on the Department's premises, are now conducted online, with candidates able to take the examination at home and get the results instantly. Interviews were also moved online using video technology and the Department prepared new guidelines for the adopted examination and interviewing procedures. Legal changes were not required because the civil service law provides sufficient flexibility. Interviews are now recorded by default (unless the candidate opts out),

and this digitalisation of the recruitment procedure has thus also served to increase transparency and accountability.

The other ReSPA members resumed recruitment activities in May and June. However, changes to standard recruitment procedures in these cases have been more limited. In Serbia, for instance, the Human Resources Management Service continues to conduct examinations on its premises, with larger rooms provided together with social distancing guidelines and a requirement to use facemasks. Interviews are now conducted online but are not yet being recorded. By comparison, Montenegro now allows for the electronic submission of applications, which was previously not possible. Examinations and interviews are still conducted on the premises of the Human Resources Management Authority but are subject to new public health guidelines. The same approach has been taken in Bosnia and Herzegovina and Kosovo*.

In North Macedonia a general election was underway at the time of writing, meaning recruitment was suspended for several months until after the election.

This brief overview of changes in response to the COVID-19 pandemic suggests that the crisis presents major challenges for the implementation of merit-based recruitment but has also opened up new opportunities. ReSPA has already responded to these challenges by launching the **COVID-19 Western Balkans Digital Collaborative** to share information and provide channels for communication among leaders in data, IT technology, digital transformation, crisis management and innovation in government during the COVID-19 pandemic. In this context, an online meeting to map potential ReSPA support activities was held in May 2020 with a focus on human resources management, including the management of merit recruitment during the COVID-19 pandemic.

Albania provides a case of good practice on how the response to the crisis can serve to advance improvements to the existing system. Evidently, however, the way in which different ReSPA members adapt to COVID-19 is partially dependent on existing recruitment arrangements. In particular, having a well-functioning e-recruitment system in place facilitates the adaptation process, as does having a well-developed system of computer-based examinations and sufficient (legal) flexibility to move interviews online.

For several ReSPA members it should thus be a priority to establish functioning human resources management information systems, including central portals for the online management of civil service recruitment. In many respects this is the starting point for the management of the recruitment process; and when set up properly it allows for and facilitates the subsequent examination and selection of candidates.

The **appendix** of this study presents the template for the self-assessment of merit recruitment, followed by completed assessments for each ReSPA member. For each ReSPA member, the authors of this study and the members of the ReSPA Working Group on HRM in the public sector met (online) to discuss the application of the 21 lessons to their context, the gaps that were evident, and the actions that should be taken in order to improve the effectiveness of merit recruitment. The self-assessment tables are conceived as 'living' documents that are meant to be consulted and regularly updated, for example on an annual basis.

Appendix: HRM Self-Assessment Framework for Merit Recruitment

< Template >

Assessing the Scope of Merit Recruitment		
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment		
Yes	Partially	No
2. All positions in the public administration with responsibilities to manage civil servants are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
3. Apart from lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
4. All temporary staff are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
Assessing the conditions for the opening of positions		
5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third (centrally placed) institutions, and limits the frequency of amendment		
Yes	Partially	No
6. Staff planning determines recruitment activities and <i>ad hoc</i> mechanisms to		

approve the opening of positions have been eliminated		
Yes	Partially	No
7. The opening of positions for external recruitment requires meaningful approval by central civil service management institutions		
Yes	Partially	No
Assessing public advertisements		
8. All positions to be filled from outside the civil service have to be publicly advertised		
Yes	Partially	No
9. Job advertisements are published in a range of print, online and social media channels and these channels reach the largest possible number of potential applicants		
Yes	Partially	No
10. Job advertisements contain relevant information to attract suitable candidates		
Yes	Partially	No
11. The application process is user-friendly and the costs of application are low		
Yes	Partially	No
12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application		
Yes	Partially	No

Assessing Selection Commissions		
13. All positions or groups of positions require the formation of and assessment by a selection commission		
Yes	Partially	No
14. Representatives from central civil service management bodies are included in selection commissions		
Yes	Partially	No
15. External experts are included in selection commissions (e.g. from academia or civil society organisations)		
Yes	Partially	No
16. Members of selection commissions have professional competencies and receive regular training and guidance		
Yes	Partially	No
Assessing examinations and the final selection decision		
17. All groups of staff are required to pass a written and oral examination prior to their civil service appointment		
Yes	Partially	No
18. Examinations generate relevant information for the selection of the best qualified candidates for a given role		
Yes	Partially	No
19. The examination process and scoring methods are consistent and objective		
Yes	Partially	No

20. The results of the examination determine the final selection of candidates		
Yes	Partially	No
21. Examinations are transparent and can be subjected to external scrutiny and appeal		
Yes	Partially	No

Albania

Assessing the scope of merit recruitment		
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment		
Yes	Partially	No
	X	
<p>The Civil Service Law (adopted in 2013 and in force since February 2014) has a broad horizontal scope and includes all institutions from the executive sphere as well as institutions that report to the parliament (so-called independent institutions). However, in recent years the government has occasionally approved special laws that exclude certain agencies originally included in the scope of the civil service, including the National Agency for Information Society, the Agency for the Delivery of Integrated Services, the Agency for Openness and Dialogues, and the National Inspectorate for Environment and Territory. These are primarily agencies that provide services to citizens. As a result, the scope for the application of merit recruitment has been diminished in recent years.</p> <p><u>Next steps:</u></p> <p>All executive agencies should be re-integrated into the scope of the civil service law. Alternatively, equivalent merit recruitment procedures should be applied for agencies that have been excluded from the scope of the law.</p>		
2. All positions in the public administration with responsibilities to manage civil servants are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
X		
<p>The General Secretaries of ministries, the Directors of Directorates and the General Directors of non-ministerial bodies are members of the top management corps. These positions are within the vertical scope of the civil service and thus subject to civil service merit recruitment procedures.</p>		

Acting managers must be recruited from within the civil service and must have passed through standard merit recruitment procedures at an earlier point in their careers.

3. Apart from lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit recruitment procedures

Yes	Partially	No
X		

The 2013 Civil Service Law includes all categories of administrative staff within its scope. Only the lowest ranks of staff such as manual and auxiliary staff are outside the Civil Service Law.

4. All fixed-term, acting and temporary staff are included in the scope for the application of merit recruitment procedures

Yes	Partially	No
	X	

The 2013 Civil Service Law does not allow for temporary appointments. However, if short-term replacements of permanent staff are required, managers can request the appointment of staff from a shortlist of candidates who have previously passed through the external recruitment procedure. The principle of merit recruitment is thus observed for temporary appointments.

The Government has recently introduced the possibility of appointing ‘excellent students’ for up to one year who do not have to pass through the standard merit recruitment procedure. However, the Department of Public Administration manages the recruitment and selection of the ‘excellent students’ and has prepared an assessment framework to score their educational background and to rank them prior to selection. In the future the Department will limit the number of positions available to excellent students.

Although these efforts are evidence of an intention to regulate the recruitment of ‘excellent students’, this recruitment procedure is based on lower standards than the standard merit recruitment procedure for civil servants. The ‘excellent students’ scheme therefore somewhat diminishes the scope for the application of merit recruitment.

Next steps:

In order to align the recruitment of ‘excellent students’ more closely with procedures for recruiting civil servants, it is worth considering introducing a basic written examination and interview for applicants to the scheme. Given that examinations are already computer-based, this change will not pose a major logistical challenge but has the potential to raise merit standards significantly.

Assessing the conditions for the opening of positions

5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third parties, and limits the frequency of amendment

Yes	Partially	No
X		

The systematisation of jobs requires approval from the Department of Public Administration and the Ministry of Finance before submission for final approval from the

Prime Minister. The classification of jobs in this systematisation is based on a detailed methodology of job evaluation and designing job descriptions. Systematisation, job description methodology, job advertisements and – crucially – the contents of exams are all aligned to ensure complementarity. Systematisation acts can be amended, but any change must undergo the same procedures for approval.

6. Staff planning determines recruitment activities and *ad hoc* mechanisms to approve the opening of positions have been eliminated

Yes	Partially	No
X		

The Civil Service Law has established a systematic staff-planning procedure. Staffing plans must be submitted to the central Department of Public Administration and the national staffing plan must be approved by the Government. Staffing plans are aligned with systematisation acts, job descriptions, job advertisements and examinations. The staffing plan determines recruitment activities both centrally and individually for each institution, with no possibility allowed for the *ad hoc* opening of new positions not included in the staff plans. However, if unforeseen circumstances arise, such as the departure of key staff, it is not forbidden to advertise the vacancy for a replacement.

The Department of Public Administration has continuously invested in training the staff of HR units across public administration institutions in order to increase the quality of staff planning. The Department has also moved towards an online system of planning whereby institutions complete an online form that is subsequently centrally integrated for the preparation of the national plan.

7. The opening of positions for external recruitment requires meaningful approval by central civil service management institutions

Yes	Partially	No
X		

Positions in the civil service may be opened for external recruitment only if these positions are defined in systematisation acts and foreseen in the national staffing plan. The opening of groups of positions follows the schedule of the plan and is implemented by the Department of Public Administration. Extraordinary external recruitment is not possible according to the legal framework.

Assessing public advertisements

8. All positions to be filled from outside the civil service have to be publicly advertised

Yes	Partially	No
X		

According to the Civil Service Law, external recruitment to all civil service positions requires a public advertisement.

Lower and senior management positions may only be filled from inside the civil service, following the so-called promotion procedure. Candidates must be members of the top management corps before they can be selected for a senior position. A limited proportion of management positions may be filled every year from outside the civil service and these require public advertisement.

Temporary appointees must have previously applied through a public advertisement and

undergone the examination procedure. Candidates who are recruited through the 'excellent students' scheme must also first apply in response to a public advertisement.

9. Job advertisements are published in a range of print, online and social media channels and these channels reach the largest possible number of potential applicants

Yes	Partially	No
X		

According to the Civil Service Law and relevant secondary legislation, job vacancies must be advertised on the website / portal of the Department of Public Administration (www.dap.gov.al). The Department also maintains a Facebook page with 16,000 followers and a Twitter account. The Department maintains close contact with a number of universities in order to advertise job vacancies. The high number of applicants shows the communication channels are appropriate.

10. Job advertisements contain relevant information to attract suitable candidates

Yes	Partially	No
X		

The contents of job advertisements are defined by relevant secondary legislation. Advertisements include information such as the main functions and duties of the job, core requirements such as education, job experience, tasks, testing modalities, languages, thematic areas for the testing of candidates, etc. The advertisements provide sufficient information for applicants to choose the (group of) positions they seek to apply for.

11. The application process is user-friendly and the costs of application are low

Yes	Partially	No
X		

The Department of Public Administration has established a system of e-recruitment to manage applications. As a result, the application process has become fully online, user-friendly and cost-efficient for applicants. After creating their profile and uploading their information and copies of official documents, applicants can apply for as many positions as they desire. Only winning candidates need to provide certified documents such as education degrees and proof of previous job experience.

12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application

Yes	Partially	No
X		

The Department of Public Administration has very actively promoted employment in the civil service. It is regularly represented at job fairs, gives presentations at public and private universities, and provides general information about civil service employment via social media channels. The Department also provides general guidance for applicants on its website and social media channels, including videos and PowerPoint presentations. Online videos to support applicants during the application process have been prepared with the help of ReSPA.

Assessing Selection Commissions		
13. Do all positions or groups of positions require the formation and assessment by a selection commission?		
Yes	Partially	No
X		
<p>According to the Civil Service Law, external and internal recruitment to all civil service positions requires the establishment of selection commissions. There are no exceptions.</p> <p>Even the recruitment of so-called 'excellent students' requires selection commissions insofar as the Department of Public Administration pre-selects and scores applicants.</p>		
14. Representatives from central civil service management bodies are included in selection commissions		
Yes	Partially	No
X		
<p>According to the Civil Service Law and relevant secondary legislation, selection commissions consist of five members, one of whom is always drawn from the Department of Public Administration. The Recruitment Directorate consists of approximately 15 individuals who alternate in their role as chairs and referees of selection commissions.</p> <p>The same applies to the selection of top civil servants, in which case the commission includes one member of the commission who represents the Department of Public Administration (ex officio), while an additional central member is drawn from the Albanian School of Public Administration (ex officio).</p>		
15. External experts are included in selection commissions (e.g. from academia or civil society organisations)		
Yes	Partially	No
X		
<p>According to the Civil Service Law and relevant secondary legislation, selection commissions consist of five members, two of whom are drawn from a list of approximately 40 external experts from academia and, in a small number of cases, civil society and the private sector. Experts are selected by a commission following a call by the Department of Public Administration and must undergo training prior to their appointment to selection commissions.</p> <p>For senior civil servants recruited from outside the civil service, the National Commission of Selection for Top Civil Servants has nine members, six of whom are drawn from academia and civil society. The remaining three members are the Department of Public Administration and ASPA directors and one representative of top civil servants.</p>		
16. Members of selection commissions have professional competencies and receive regular training and guidance		
Yes	Partially	No
X		
<p>The Department of Public Administration has provided regular training for commission members since the adoption of the 2013 Civil Service Law. Training is provided by the Albanian School of Public Administration and the Department of Public Administration. In</p>		

2019, for instance, the Department trained approximately 40 members. The Department has also provided additional training for members of HR units and prepared manuals to provide guidance for commission members.

Assessing examinations and the final selection decision

17. All groups of staff are required to pass a written and oral examination prior to their civil service appointment

Yes	Partially	No
	X	

According to the Civil Service Law, external recruitment to all civil service positions requires candidates to sit both a written and an oral examination.

The 'excellent students' are an exception to this rule, as they may be employed for one year after their backgrounds have been assessed and scored by the Department of Public Administration but do not yet have to undergo a written or oral examination.

Next steps:

The introduction of written and oral examinations should be considered for applicants on the 'excellent students' scheme.

18. Examinations generate relevant information for the selection of the best qualified candidates for a given role

Yes	Partially	No
X		

Civil servants at executive level who are recruited externally must pass a written and oral examination. The written examination consists of a computer-based multiple-choice test with questions related to the types of positions being applied for. The test thus generates information relevant to the position and to the candidate's subject-specific knowledge, though it cannot test skills and competencies associated with the specific position to be filled. Approximately 65 per cent of candidates pass the test, suggesting that it is an appropriate professional filter prior to the personal interview.

The oral interview is based on a manual that proposes types of questions relevant to types of positions. The interview component provides basic information related to skills and competencies, in addition to position-based knowledge.

All candidates for top civil service positions have to pass a written and oral examination before becoming members of the top management corps.

In response to the COVID-19 crisis, the Department of Public Administration has moved both the written and oral examinations online. Candidates can log on from home and complete a subject-specific test. They receive the results instantly. Oral examinations are also conducted online using video technology. The Department expects to continue this practice in the future.

19. The examination process and scoring methods are consistent and objective

Yes	Partially	No
X		

The written examination is computer-based and randomly selects questions from a large database of questions, thereby ensuring consistency. The interview stage is based on a

manual to ensure consistency for all candidates and to ensure consistency when scoring answers. All candidates are asked the same questions. The final score is the average of five evaluations of the commission members. The examination thus minimises discretion for managers and recruiting institutions.

For top civil servants the written test is based on subject-related topics and an essay, while the interview is based on an examination of competences.

20. The results of the examination determine the final selection of candidates

Yes	Partially	No
X		

The pool recruitment procedure in Albania means that groups of positions are advertised and examined together. The highest-scoring candidate in the pool examination is then given the right to select his or her preferred position. This examination method is effective in determining the final selection of candidates and in minimising discretion for managers and recruiting institutions.

For top civil servants, the highest-scoring candidates are included in the pool of top civil servants (Top management corps) and can be appointed to a specific position by the minister directly from the pool.

21. Examinations are transparent and can be subjected to external scrutiny and appeal

Yes	Partially	No
X		

Examinations are open to scrutiny and appeal. The written element of the examination is transparent and open to external scrutiny insofar as it is computer-based and scored electronically. Results are immediately visible for applicants.

For the interview part of the exam, the commissions keep minutes of interviews. However, transparency results primarily from the option to audio-record interviews. Before the COVID-19 pandemic, candidates could ask for the interview to be recorded. Since the amendment of the recruitment procedure in the context of the pandemic, interviews are now conducted online and are generally recorded unless candidates specifically ask not to be recorded. In case of complaints, the Department of Public Administration checks the interview records. These records are also usable during the appeal process. The same rules apply to interviews with senior civil servants.

Bosnia and Herzegovina

Assessing the Scope of Merit Recruitment			
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment			
	Yes	Partially	No
BiH Institutions		X	
FBiH	X		
RS	X		
<p>At the level of BiH Institutions, some institutions (less than 10 in total) remain excluded from the Civil Service Law and hence the requirement to apply merit recruitment procedures. Examples include the Agency for Postal Traffic and the State Regulatory Commission for Energy.</p> <p>In FBiH, all institutions are included in the scope of the civil service law. At canton level, administrative institutions are occasionally excluded from the scope of the civil service law and hence the requirement to apply merit recruitment procedures. However, the Canton level will not be assessed in this context.</p> <p>In Republika Srpska, all institutions are included within the scope of the civil service law and must apply the merit recruitment procedure.</p> <p><u>Next steps:</u></p> <p>The status of institutions currently outside the scope of Civil Service Law, as well as their current recruitment procedure and practices, should be reviewed (BiH Institutions).</p>			
2. All positions with managerial responsibilities are included in the scope for the application of merit recruitment procedures			
	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS	X		
<p>Senior management positions are included in the scope of Civil Service Laws in BiH Institutions, FBiH and RS.</p> <p>The appointment of acting managers requires recruitment from within the civil service in RS. In FBiH, acting appointments are not foreseen by the law but are occasionally made in practice. In BiH Institutions, acting appointments are not covered by the Civil Service Law but by the Law on Administration. These appointments, although limited by law to three months (with possibility of only one three-months extensions), do occasionally even last for several years.</p> <p><u>Next steps</u></p>			

Ensure that acting appointments at managerial level are recruited from within the civil service and are in accordance with the civil service laws (BiH institutions, FBiH)

3. Apart from the lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit recruitment procedures

	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS	X		

In BiH institutions, FBiH and RS, the scope of the Civil Service Laws is relatively narrow. Lower ranks as well as technical and support staff without a university degree are outside their scopes, meaning more than 50 per cent of the employees of the state administration are outside the civil service law. In FBiH, the same arrangement applies. By contrast, in RS only manual and auxiliary staff are excluded from the scope of the civil service law.

Next steps:

Review the scope of Civil Service Laws and consider the inclusion of technical and support staff. Alternatively, consider raising the merit requirements for staff regulated by the law on state employees. (BiH Institutions, FBiH)

4. All fixed-term, acting and temporary staff are included in the scope for the application of merit recruitment procedures

	Yes	Partially	No
BiH Institutions			X
FBiH	X		
RS			X

In BiH Institutions the Civil Service Law authorises senior managers to fill civil service positions through temporary employment when internal competitions cannot be carried out. Temporary employees can be hired for up to nine months (and up to two years in exceptional circumstances). Temporary employees are recruited in accordance with the law on labour in state institutions and are subsequently classified as employees (not as civil servants), which requires a less rigorous recruitment procedure. Although temporary employment is rare, the current arrangement undermines the effectiveness of merit recruitment. (This has also been recognised by the state audit office.)

Political advisors do not have to pass through merit recruitment procedure. However, this arrangement is compatible with merit requirements, since political advisors are formally *not* civil servants and formally do *not* have management authority over ministerial departments and their staff.

In FBiH, the Civil Service Law allows temporary employment. Candidates must be drawn from the reserve list of redundant civil servants, which is currently not in operation. If no candidates are found, temporary vacancies must be advertised and candidates must be assessed in accordance with the civil service recruitment procedures. Temporary employment is only possible in exceptional circumstances.

In RS, temporary non-competitive employment is possible for up to 6 months and in some cases may be extended by up to 60 months. It is not required to follow the standard merit recruitment procedure for civil servants and ministries do not have to share the information with the central civil service agency.

Next steps:

Review the procedure for the recruitment of temporary contract staff. Merit recruitment standards and procedures should also be applied for temporary contract staff. (BiH Institutions, RS)

Assessing the conditions for the opening of positions

5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third parties, and limits the frequency of amendment

	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS		X	

BiH Institutions do not base systematisation on systematic job description methodologies. Some institutions refer to the competency framework, but there is no consistent practice. Approvals are required from the Ministry of Finance, the Ministry of Justice, the Legislative Office and the Government. The Civil Service Agency is not involved in the approval of systematisation acts even though it later manages the recruitment procedure. Changes can be made at any time, subject to approval, but changes have been rare due to political constraints (cf. coalition government).

FBiH does not base systematisation on systematic job description methodologies. There is no competency framework in place, though competences were applied for a short period of time in 2015. Approvals are required from the Ministry of Finance, the Ministry of Justice and the Legislative Office before they are adopted by the Government. The Civil Service Agency is not involved in the approval of systematisation acts. Changes can be made at any time, subject to approval, but have been rare due to political constraints (cf. coalition government).

RS does not base systematisation on systematic job description methodologies. There is still no competency framework in place to inform systematisation acts. Approvals are required from the Ministry of Finance and the Ministry of Administration and Local Self-Governance before they are adopted by the Government. The Civil Service Agency is not involved in the approval of systematisation acts. Changes can be made at any time, subject to approval, though in practice the frequency of changes varies from institution to institution.

Next steps:

Review the job description methodology and require Civil Service Agencies to approve systematisation acts. (BiH Institutions, FBiH, RS)

6. Staff planning determines recruitment activities and *ad hoc* mechanisms to approve the opening of positions have been eliminated

	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS	X		

BiH Institutions are required to submit annual staffing plans in the context of medium-term expenditure planning. However, these plans merely require raw staffing numbers and planned recruitment, and in practice not all institutions send their staffing plans as required. Staffing plans do not have to be approved by the Civil Service Agency. They primarily serve the purpose of budgetary planning.

In FBiH, institutions are required to submit annual staffing plans in the context of medium-term expenditure planning. Plans merely require raw staffing numbers and planned recruitment for the purpose of budgetary planning. Staffing plans do not have to be approved by Civil Service Agency. A new planning methodology is currently under development in the context of an EU-funded project.

RS requires the submission of annual staffing plans. These plans are approved by Civil Service Agency and the Ministry of Public Administration and Local Self-Governance. The general plan has to be confirmed by the Government. The opening of positions may be refused if positions are not already included in the annual Personnel Plan.

Next steps:

Review staff-planning methods and procedures and strengthen the role of Civil Service Agencies in the approval process.

7. The opening of positions for external recruitment requires meaningful approval by central institutions

	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS	X		

BiH Institutions can open positions and advertise them if they are included in the systematisation act and the staff plan and are in accordance with budgetary needs and if the internal recruitment procedure has been unsuccessful. If these conditions are met, the Ministry of Finance must still approve the opening of positions for external recruitment. Institutions then send the request to the Civil Service Agency to advertise a job vacancy. Institutions are therefore largely autonomous in deciding when and whether to recruit new staff. The same procedure applies in the Federation of BiH.

In RS, similarly, positions can be opened if they are foreseen in the systematisation act and the staff plan. Their opening then has to be approved by the head of the institution. The Civil Service Agency merely administers the recruitment procedure but does not need to formally approve the opening of positions.

Next steps:

Consider strengthening the role of the Civil Service Agencies in approving the opening of

positions. (BiH Institutions and FBiH).

Assessing public advertisements

8. All positions to be filled from outside the civil service have to be publicly advertised

	Yes	Partially	No
BiH Institutions		X	
FBiH	X		
RS		X	

In BiH Institutions, public advertisement is always required for external recruitment. This also applies to the appointment of temporary staff. Only if temporary employment lasts for three months or less, it is possible to employ staff without prior advertisement.

In FBiH, public advertisement is required for external recruitment. Temporary employees are drawn from the reserve list of redundant civil servants, which is currently not in use. If internal recruitment is unsuccessful, any position must be advertised publicly.

In RS, public advertisement is required for external recruitment into civil service positions. However, the recruitment of temporary contract staff does not require prior advertisement.

Next steps:

Ensure that the employment of *all* types of temporary contract staff requires prior advertisement. (BiH Institutions, RS)

9. Job advertisements are published in a range of both print, online and social media channels and these channels reach the largest possible number of potential applicants.

	Yes	Partially	No
BiH Institutions	X		
FBiH	X		
RS		X	

In BiH Institutions, job vacancies must be advertised on the web page of the Civil Service Agency and in at least three daily newspapers with countrywide circulation. The Civil Service Agency also sends out a regular newsletter to its subscribers with information about job vacancies. Job vacancies are further advertised via social media channels, including the Facebook and Twitter accounts of the Civil Service Agency.

In FBiH, job vacancies must be advertised on the web page of the Civil Service Agency, in the official gazette, and in at least two daily newspapers with countrywide circulation. The Civil Service Agency also uses social media channels such as Facebook and Twitter.

In RS, job vacancies must be advertised on the web page of the Civil Service Agency and in at least one daily newspaper with countrywide circulation. The Civil Service Agency is not yet using social media channels. Some institutions disseminate job advertisements using their own social media channels.

Next steps:

Consider expanding channels of advertisement to include social networks and specialised online recruitment portals. (RS)

10. Job advertisements contain relevant information to attract suitable candidates

	Yes	Partially	No
BiH Institutions	X		
FBiH	X		
RS	X		

For BiH Institutions, the content of advertisements is prescribed by law. Public advertisements for civil service positions contain a range of relevant information, including job descriptions and conditions. However, there are usually no references to competencies in job advertisements. The same applies to FBiH and RS.

11. The application process is user-friendly and the costs of application are low

	Yes	Partially	No
BiH Institutions			X
FBiH			X
RS			X

For BiH Institutions there is still no online portal to register and upload applications. Instead, applications have to be sent as hard copies or email to the Civil Service Agency. All applicants must submit certified copies of documents such as university diplomas, certification of citizenship and proof of work experience, all of which raise the costs of the application. A health certificate, which is more costly, is only required by successful applicants.

In FBiH, as in BiH Institutions, there is no system of e-recruitment in place as yet, though discussions are being held. In the context of ReSPA's peer-to-peer support mechanism and plans to establish a human resources management information system are underway. The new system will include a recruitment module and hence create the basis for e-recruitment in the future. Regarding the submission of relevant documents, applicants initially only need to complete a form and certified copies are only required from those who pass the exam. This number varies and can include a considerable number of candidates, creating costs also for those who are not selected for the position.

In RS, as in BiH Institutions, there is no system of e-recruitment yet and a similarly large number of certified copies of official documents need to be submitted with applications. In addition, applicants must pass a professional state examination *before* they can apply for a vacant position. The costs of this examination amount to €150, further raising the costs incurred in applying for positions. However, discussions have now begun on the introduction of e-recruitment.

Next steps:

Consider the establishment of an e-recruitment system to increase the efficiency and user-friendliness of the application process. North Macedonia and Albania provide

examples of good practice in the region. (BiH Institutions, FBiH, RS)

Consider reducing the costs of application by requiring only the winners of competitions to submit certified copies of relevant documents. (BiH Institutions, FBiH, RS)

RS should further reduce or scrap the fee for passing the professional state examination in order to lower the costs of an application.

12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application

	Yes	Partially	No
BiH Institutions		X	
FBiH			X
RS			X

Civil Service Agencies in BiH Institutions have not yet engaged in designated outreach activities to promote civil service employment. In 2014 the Civil Service Agency prepared a video in collaboration with GIZ on how to prepare an application and how to avoid mistakes. This video is available on the Agency's website.

FBiH has not yet engaged in outreach activities. Online material for applicants is not yet available, though plans to prepare guidelines are in progress.

RS has not yet engaged in outreach activities. Basic instructions on how to apply are provided on the website of the Civil Service Agency. Online videos and further material are currently being prepared as part of an implementation strategy and will be made available from 2021.

Next steps:

Prepare a strategy to engage in outreach activities to promote employment in the civil service. (BiH Institutions, FBiH, RS)

Continue with the development of accessible guidelines for the application process. (FBiH, RS)

Assessing Selection Commissions

13. All positions or groups of positions require the formation of and assessment by a selection commission

	Yes	Partially	No
BiH Institutions		X	
FBiH	X		
RS		X	

In BiH Institutions, selection commissions are required to oversee recruitment procedures for all positions in the state administration except certain types of temporary contract staff and staff linked to ministerial cabinets (i.e. advisers). The employment of staff not covered by the Civil Service Law but by the Law on Labour in State Institutions also requires the

formation of selection commissions except in cases of limited-duration temporary employment (i.e. up to 3 months).

In FBiH, selection commissions are required for external recruitment into all senior and expert-level positions in the state administration.

In RS, selection commissions are required for external recruitment into all senior and expert-level positions in the state administration except temporary staff.

Next steps:

Consider the requirement to form selection commissions for the employment of temporary contract staff regardless of the length of their appointment. (BiH Institutions, RS)

14. Representatives from central civil service management bodies are included in selection commissions

	Yes	Partially	No
BiH Institutions			X
FBiH			X
RS			X

For BiH Institutions, selection commissions consist of five members. Three members are appointed by the Civil Service Agency from a list of experts. However, the Civil Service Agency is *not* directly represented on the commissions. Only one person acts as a secretary of the committees to take notes of the examination.

In FBiH, selection commissions consist of three members: one member is appointed by the Civil Service Agency from a list of experts and two are nominated by the recruiting institution, one of whom is the superior. At least one of the two members from the recruiting institution should be from a civil service union. The list of experts comprises some 200 civil servants, academics and other relevant specialist members of the public. The experts are selected by open competition. In future, experts will receive training before they can be appointed to a selection panel.

In RS, selection commissions consist of five members, two of whom are appointed by the Civil Service Agency from a list of experts. The same applies for the recruitment of senior civil servants. The Civil Service Agency is thus *not* directly represented on the commissions. However, a new civil service law is currently under preparation that will address this issue and include one member from the Agency on selection panels.

Next steps:

Consider the inclusion of delegates from the respective Civil Service Agencies with full voting rights to increase the consistency of assessment and selection processes. (BiH Institutions, FBiH, RS)

15. External experts are included in selection commissions (e.g. from academia or civil society organisations)

	Yes	Partially	No
BiH Institutions	X		
FBiH	X		

RS	X		
<p>In BiH Institutions, experts are drawn from within the civil service, from academia and from civil society. However, the list was last updated in 2012/2013. Moreover, certain areas of expertise are poorly represented on the list.</p> <p>In FBiH, the role of external experts is the same as at the level of BiH Institutions. However, the list is considerably longer in FBiH. The Agency regularly publishes a call for the selection of experts. Experts receive basic instructions from the Agency. Training for experts is planned for the future.</p> <p>In RS, the role of external experts is similar to the BiH Institutions. However, their selection and allocation is regulated by a rulebook.</p>			
16. Members of selection commissions have professional competencies and receive regular training and guidance			
	Yes	Partially	No
BiH Institutions	X		
FBiH	X		
RS		X	
<p>In BiH Institutions, the Civil Service Agency has conducted training for senior civil servants but requires training for members on the list of experts designated for selection commissions. The training is listed on the catalogue of training courses offered by the Agency. The first wave of training was funded by GIZ, but training is now part of the Agency's budget. All experts have to undergo training on the competency framework and recruitment procedure before they can be allocated to selection panels.</p> <p>In FBiH, the Civil Service Agency has started to provide training for the members of selection commissions, including training on competencies and the structure of the examination. This training has been moved online during the COVID-19 crisis.</p> <p>In RS, the Civil Service Agency provides instructions for experts on competencies and interviewing skills. These trainings are not regulated but are a basic practise provided by the Agency.</p> <p><u>Next steps:</u></p> <p>Consider the formal institutionalisation of training for commission members (RS).</p>			
Assessing examinations and the final selection decision			
17. External recruitment into all senior and expert-level positions requires candidates to pass a written and oral examination			
	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS			X

In BiH Institutions, all externally recruited senior and expert staff in civil service positions must pass both written and oral examinations. However, temporary contract staff do not have to sit examinations. State administration staff outside the scope of the civil service law must undergo a 'testing procedure' in accordance with the Law on labour in state institutions, though this law does not specify the type of test required.

In FBiH, examination requirements are similar to BiH Institutions, meaning staff outside the scope of the civil service law are exempt from the need to undergo examination.

In RS, candidates for senior and expert level civil service positions only need to have a personal interview when applying for a given position. Written examinations are not yet required. Moreover, temporary contract staff are exempt from the requirement to pass an oral examination.

Next steps:

Consider the establishment of (basic) oral and written examination requirements for all types of temporary contract staff and staff not covered by the civil service law. (BiH Institutions, FBiH, RS).

RS should consider the introduction of written examinations for civil service entry. The competency-based examinations in Serbia provide a case of good practice in the region.

18. Examinations generate relevant information for the selection of the best qualified candidates for a given role

	Yes	Partially	No
BiH Institutions		X	
FBiH			X
RS			X

In BiH Institutions, candidates have to pass the following exams:

- A general written exam administered as a multiple-choice test that asks general knowledge questions. It provides little information about candidates and is passed by the majority of candidates, suggesting that it does not act as an effective filter to narrow down the candidate pool. Plans to revise the general examination are underway.
- A professional, job-specific exam with essay-type questions that usually provides more comprehensive information about the skills and competencies of candidates. The contents are decided by the commission before the exam and are connected to the job description; however, there is no pool of questions and no clear guidance on how to design them. Moreover, they are prepared on the day of the examination and hence on an ad hoc basis.
- An oral examination that is administered as a competency-based interview and provides comprehensive information regarding candidates' competencies for a given role. The competency framework provides guidance for commission members. Moreover, commission members have received training on how to design Interview questions and how to ask them.

In FBiH, candidates have to pass the following exams:

- A general written exam administered as a multiple-choice test that asks general

knowledge questions. It is run as a pencil and paper test. It provides little information about candidates and is passed by the majority of candidates.

- A professional, job-specific exam that is also administered as a multiple-choice test and asks questions about the job, mostly referring to laws and regulations related for the position. The test is hence primarily a knowledge test that provides little insight into the candidates' skills and competencies. The exam questions are set on an ad hoc basis, with commission members meeting two hours before the exam to select and submit their questions before the Agency randomly selects the questions to be asked during the exam. There is still no guidance for commission members on how to design and mark exam questions.
- An oral examination administered as a personal interview. There are no guidelines for the interview part yet, and the informational content is uncertain. In 2015, the Agency used competency-based interviews for a short period of time.

In RS, candidates have to pass the following exams:

- An oral examination administered as a personal interview. There are no guidelines for the interview yet. The informational content is uncertain.

Next steps:

BiH Institutions and FBiH should review the contents of the general examination.

FBiH should further review the job-specific examination and the oral examination. For the job-specific examination part, both Serbia and Albania provide examples of good practice to consider. For the interview part, Serbia and BiH Institutions provide examples of good practice to consider.

RS should introduce written examinations as a top priority.

19. The examination process and scoring methods are consistent and objective

	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS			X

In BiH Institutions, multiple-choice examinations are consistent and systematically scored. Competency-based interviews provide a structure for the oral examination, but scoring criteria need improvement. In particular, there is still no guidance for the scoring of essay-type practical examinations, which undermines the consistency of the examination process.

In FBiH, multiple-choice examinations are consistent and systematically scored. By contrast, interviews lack guidance and systematic scoring criteria. A further challenge arises from the ad hoc formulation of job-specific examination questions. Even if questions are randomly selected by the Agency, there is a risk of their being partially leaked to candidates in advance.

In RS, interviews still lack guidance and systematic scoring criteria. The consistency of the examination process therefore cannot be guaranteed.

Next steps:

BiH Institutions should consider strengthening the scoring method for the job-specific examination and the competency-based interviews.

FBiH and RS should develop a systematic scoring method for the interview part of the examination.

20. The results of the examination determine the final selection of candidates

	Yes	Partially	No
BiH Institutions	X		
FBiH			X
RS	X		

In BiH Institutions, the Civil Service Agency appoints the winner of the examination process for expert level positions.

For management positions, the minister chooses from a shortlist of three successful candidates. The candidates are ranked by examination score. The examination process thus does not fully determine the selection of managers.

In FBiH, the minister chooses from a long list of successful candidates. These lists can consist of up to 20 candidates. The candidates are alphabetically sorted and the examination score is not provided on the list, meaning the minister cannot know who performed best during the examination. However, the head of the institution may organise an additional interview with candidates who have passed the examination. The possibility of conducting such an interview is regulated by a rulebook, but there is no guidance for the interview itself, making it a source of major discretion. The selection method is the same for expert and senior civil servants.

In RS, ministers receive a list of successful candidates ranked by examination score and are required to choose the highest-ranking one. However, there is no pre-determined number of people on the list. If the minister declines the selection of the highest-ranking candidate there is a possibility to annul the selection process and commence a new process. In principle, the winner of the examination process is hence still selected for a given job. The selection procedure is the same for expert level and senior level civil servants.

Next steps:

FBiH should abandon the current ranking and selection method. For expert positions the highest-scoring candidates from the examination should be selected. For senior civil service positions, candidates should be selected from a shortlist of two (or a maximum of three) successful candidates, ranked by score. The minister should make the final selection.

21. Examinations are transparent and can be subjected to external scrutiny and appeal

	Yes	Partially	No
BiH Institutions		X	
FBiH		X	
RS		X	

In BiH Institutions, examinations are open to appeal on procedural grounds. The general written examination is transparent insofar as it is computer-based. The secretary of the panel keeps

minutes of all interviews and these can be submitted to the appeal board. Interviews are not audio-recorded. External scrutiny of examinations and interviews is therefore still limited. The video-recording of the recruitment of soldiers by the Ministry of Defence represents an example of how external scrutiny can be facilitated.

In FBiH, the practice is similar to the BiH Institutions. Written examinations are transparent insofar as they are computer-based. Moreover, appeal is possible and the minutes taken in interviews can be used in the case of an appeal. Audio-recording is not yet practised.

In RS, the practice is similar to the BiH Institutions insofar as the interview component is concerned. Appeal is thus possible, but the transparency of the interview process is limited.

Next steps:

Consider adopting better methods of recording to enable more effective external scrutiny, including minutes of individual interviews and audio-recording interviews. (BiH Institutions, FBiH and RS)

Kosovo*¹⁶

Assessing the Scope of Merit Recruitment		
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment		
Yes	Partially	No
<p>All central and local public administration institutions are included within the scope of the Law on Civil Service (adopted in 2010),</p> <p>The Law on Public Officials adopted in 2018 includes all institutions in its scope. (This law was suspended until the end of June 2020, however, and thus only came back into force at the time of writing.)</p>		
2. All positions with managerial responsibilities are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
<p>The Law on Civil Service includes senior managers within its scope, i.e. General Secretaries in government ministries and General Directors in non-ministerial bodies.</p> <p>The Law on Public Officials does not change the status of senior managers.</p> <p>In practice, merit-based recruitment procedures are not applied in the case of senior managers in several independent and regulatory agencies. Instead, these agencies rely on special laws, even though they are required to apply the Law on Civil Service and will be required to apply the Law on Public Officials. Compliance with the Law on Civil Service has thus been incomplete to date.</p>		

¹⁶ In the case of Kosovo* the self-assessment framework does not include any classification of current arrangements. This is because at the time of writing the Constitutional Court had only just ruled that the new Law on Public Officials would enter into force with immediate effect. However, many regulations that are required to implement the Law on Public Officials were not yet completed nor adopted. Technically speaking, the new Law can therefore not be implemented and the old Law on Civil Service will, by default, continue to be applied. It therefore remains to be seen when, if at all, the new Law will be fully implemented.

Next steps:

Ensure that all regulatory agencies fully comply with all civil service legislation.

3. Apart from lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit recruitment procedures

Yes	Partially	No

The Law on Civil Service includes all categories of administrative staff within its scope. Only the lowest ranks of staff carrying out manual support and maintenance staff are excluded from its scope. The new Law on Public Officials changes the categorisation of public sector staff but it does not change the vertical scope of the civil service at the lower end.

The only notable group of staff excluded from the scope of the civil service laws are the diplomatic and consulate personnel of the Ministry of Foreign Affairs. The exclusion of these personnel from the scope of the civil service law may be justifiable and can also be found in other European countries. Moreover, these categories of staff have to pass through special merit-based recruitment procedures before entering the foreign service.

4. All fixed-term, acting and temporary staff are included in the scope for the application of merit recruitment procedures

Yes	Partially	No

In Kosovo*, fixed-term appointments are regulated by contracts called Special Service Agreements. These are regulated by the Law on Obligations, which requires merely a 'simplified' recruitment procedure. There is no regulation that specifies how the simplified procedure should be conducted. As a consequence, fixed-term appointments can be made at the full discretion of managers without prior advertisement and without any examination. In practice, the number of fixed term appointments has increased over time, undermining the effectiveness of the merit principle.

According to the Law on Public Officials, temporary appointments will remain possible if certain conditions are met. Special service agreements will also remain possible and will need to be made in accordance with public procurement legislation rather than the Law on Public Officials. This includes the need for a public advertisement, but no requirement to apply standard merit recruitment procedures.

Next steps:

Eliminate the possibility of special service agreements and regulate temporary appointments in accordance with merit recruitment procedures.

Ensure that temporary employment under the new Law requires the application of standard merit recruitment procedures. Montenegro and Albania provide examples of good practice in the region for the regulation of temporary employment.

Assessing the conditions for the opening of positions

5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third parties, and limits the frequency of amendment

Yes	Partially	No
<p>The systematisation of jobs is regulated by the Law on the Administration and by the regulations on 'standards for the internal organization and systematization of jobs', 'the classification of jobs in the civil service', and 'job descriptions'. Systematisations thus follow a set methodology. Approvals are required by the General Secretary / Directors of institutions, the Ministry of Internal Affairs and Public Administration, and the Ministry of Finance. All acts and regulations, including the systematisation acts require approval by the Government of Kosovo*. Systematisation acts can be changed at any time, though the requirement for cabinet approval places constraints on institutions to change the acts at will.</p>		
<p>6. Staff planning determines recruitment activities and <i>ad hoc</i> mechanisms to approve the opening of positions have been eliminated</p>		
Yes	Partially	No
<p>According to the Law on Civil Service and the regulation on 'personnel-planning', all institutions must prepare individual staff plans in accordance with the mid-term expenditure framework. These plans feed into the General Personnel Plan that is annually prepared by the Ministry of Internal Affairs and Public Administration. However, this plan is typically not published, even though the legal basis requires publication. The General Plan must be approved by the Ministry of Finance to ensure that budgetary means are available. In principle, permanent positions cannot be advertised unless they have been specified in the General Personnel Plan.</p> <p>The Law on Public Officials will need to modify the planning procedure due to the shift towards pool recruitment (see below). No regulation has yet been prepared, but such a regulation will need to be prepared when the Law comes into effect.</p> <p><u>Next steps:</u></p> <p>Prepare regulations for personnel planning in accordance with the new Law on Public Officials.</p>		
<p>7. The opening of positions for external recruitment requires meaningful approval by central institutions</p>		
Yes	Partially	No
<p>According to the Law on Civil Service and other relevant regulation, the Ministry of Internal Affairs and Public Administration and the Ministry of Finance both need to approve the opening of each individual position.</p> <p>However, the law does not require central approval in the case of fixed-term special service agreements. Such temporary appointments have been increasing continuously, with approximately 50 per cent of recruitments not requiring approval in 2018 and 2019.</p> <p><u>Next steps:</u></p> <p>Ensure that central approval is needed for the appointment of special service agreements and any future types of temporary appointments.</p>		

Assessing public advertisements		
8. All positions to be filled from outside the civil service have to be publicly advertised		
Yes	Partially	No
<p>According to the Law on Civil Service, external recruitment to all senior and expert level civil service positions requires public advertisement. Acting managers must be recruited from inside the civil service. However, fixed-term appointments, i.e. so-called special service agreements, are formally outside the scope of the civil service law and these appointments have grown in importance over time.</p> <p>The new Law on Public Officials will not introduce changes for the recruitment of civil servants and fixed-term appointments.</p> <p>Next steps:</p> <p>Eliminate fixed-term appointments outside the scope of the civil service law. Alternatively, ensure that these positions are advertised.</p>		
9. Job advertisements are published in a range of print, online and social media channels and these channels reach the largest possible number of potential applicants.		
Yes	Partially	No
<p>According to the Law on Civil Service and regulations on civil service recruitment procedures, job vacancies must be advertised in the daily press in both Albanian and Serbian and online on the website of the Ministry of Internal Affairs and Public Administration. Online advertising is not yet mandatory but occurs in practice. Efforts are made by some institutions to advertise on social media channels such as the Facebook pages of institutions and private online job portals. The reach of public advertisements is thus adequate in practice.</p> <p>The Law on Public Officials introduces a new central online platform for the advertisement of jobs that will be managed by the Department for the Management of Public Officials after its establishment.</p>		
10. Job advertisements contain relevant information to attract suitable candidates		
Yes	Partially	No
<p>According to the Law on Civil Service and the regulation on civil service procedures, advertisements must contain information related to the name of the institution, the specific position to be filled, the functional civil service category of the job, the location of work, the salary coefficient, a job description, the application and assessment procedure, the duration of appointment, closing date, and the method of submitting the application. Job advertisements must state explicitly that the civil service offers equal opportunities for all citizens (men and women and non-majority communities, etc.).</p> <p>The Law on Public Officials will not introduce substantive changes to advertisements of civil service positions.</p>		

11. The application process is user-friendly and the costs of application are low		
Yes	Partially	No
<p>In Kosovo* there is currently no centralised e-recruitment system for applications to civil service positions. Applications must be delivered in person or sent by mail to the HR unit of the institution seeking to fill the vacancy, reducing the user-friendliness and accessibility of the application process. Candidates must submit copies of documents such as diplomas, proof of work experience and a police report confirming a clean record, while only the winner has to present certified copies or originals.</p> <p>The new Law on Public Officials will introduce an e-recruitment system managed by the Department for the Management of Public Officials.</p> <p>Next steps:</p> <p>Design and implement an e-recruitment system as laid out in the Law on Public Officials (once this law comes into force). The Albanian and North Macedonian experiences provide cases of good practice in the region.</p>		
12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application		
Yes	Partially	No
<p>The Ministry of Internal Affairs and Public Administration has so far not been involved in activities to promote merit-based civil service employment. Moreover, the Ministry does not yet provide designated guidance for applicants. In the context of preparing for the implementation of the new Law, however, the Ministry is planning to introduce manuals to assist applicants.</p> <p>Next steps:</p> <p>When the Department for the Management of Public Officials has been established it should invest in outreach activities and more specific guidance for applicants to be made available on its website.</p>		
Assessing Selection Commissions		
13. All positions or groups of positions require the formation of and assessment by a selection commission		
Yes	Partially	No
<p>According to the Law on Civil Service, external recruitment to all senior and expert level civil service positions require the formation of selection commissions. The exception are fixed-term special service agreements, which are formally kept outside the scope of the civil service law but important for the practice of recruiting new staff. In practise, institutions sometimes do form small selection commissions when recruiting fixed-term staff.</p> <p>The new Law on Public Officials will not change the general requirements regarding the formation of selection commissions. However, in future, members will be appointed on</p>		

two-year mandates and will be comprised of one person from the Department for the Management of Public Officials, three members from professional fields (i.e. civil servants from relevant institutions) and one member from outside the civil service.

Next steps:

Eliminate the possibility of making fixed-term special service agreements, or ensure that special service agreements and future temporary appointments require the prior formation of selection commissions.

14. Representatives from central civil service management bodies are included in selection commissions

Yes	Partially	No

There has been no central representation on selection commissions to date. According to the Law on Civil Service, selection commissions consist of five members, but none of these are drawn from the Ministry of Internal Affairs and Public Administration. The lack of central representation diminishes the effectiveness of merit recruitment in Kosovo*.

The new Law on Public Officials will require the inclusion of one member from the central Department for the Management of Public Officials and thus address the current gap in central representation.

Next steps:

In the short term, ensure that at least one member of the Ministry of Internal Affairs and Public Administration is represented on selection commissions.

Once the Law on Public Officials is fully implemented, ensure significant central representation on the selection commissions from the Department for the Management of Public Officials.

15. External experts are included in selection commissions (e.g. from academia or civil society organisations)

Yes	Partially	No

The Law on Civil Service does not require the inclusion of external experts on selection commissions for the recruitment of expert-level civil servants. However, two experts from academia and civil society are appointed to selection commissions for the recruitment of General Secretaries, Directors of Departments and Director-Generals. The selection of experts, their allocation to commissions and their training are not yet regulated.

The new Law on Public Officials envisages the inclusion of external experts on selection commissions. The open competition procedure managed by the Department for the Management of Public Officials is expected to include an external expert from academia or a specialised organisation, as well as one member from the civil service trade union and one member from civil society in the role of observers. A regulation on the selection and allocation will need to be prepared in due course.

Next steps:

Consider the inclusion of external experts and the regulation of their selection and role in the context of the current Law on Civil Service.

Once the new Law on Public Officials comes into force, ensure the implementation of a

regulation determining the status of external experts on the admission commission.

16. Members of selection commissions have professional competencies and receive regular training and guidance

Yes

Partially

No

The Law on Civil Service and the relevant regulations do not define in detail the competencies that commission members are required to have. No training is currently foreseen nor provided. This also applies to commissions for the selection of senior and expert-level civil servants. No manuals are provided by the Ministry to assist members of selection commissions.

The new Law on Public Officials defines the criteria for appointing members of selection commission and stipulates that they must participate in training activities. The law thus addresses the current gap in regulating the necessary competencies of commission members.

Next step:

The Human Resource Management units of employing institutions should consider short-term measures such as the provision of interview and examination manuals to raise the professional competences of commission members

Ensure the full implementation of the requirement to train commission members once the Law on Public Officials is fully implemented.

Assessing examinations and the final selection decision

17. All groups of civil servants are required to pass a written and oral examination prior to their civil service appointment

Yes

Partially

No

According to the Law on Civil Service, external recruitment into expert civil service positions requires candidates to pass a written and oral examination. However, recruitment into top management positions merely requires an oral examination (i.e. a personal interview). In addition, fixed-term special service agreements do not require any examination.

The new Law on Public Officials establishes the requirement to pass both a written and an oral examination for all civil service positions, including top management positions. However, the requirements for temporary appointments (currently planned to be regulated by procurement legislation) need to include passing an examination. The new regulation of the examination procedure will be prepared as part of an EU-funded project that has recently started.

Next steps:

Introduce a written examination element for the recruitment of senior civil servants.

Eliminate fixed-term special service agreements, or ensure that candidates need to pass an examination prior to entry.

Ensure that temporary appointments require an examination once the new Law is fully

implemented.		
18. Examinations generate relevant information for the selection of the best qualified candidates for a given role		
Yes	Partially	No
<p>Candidates for expert-level civil service positions must pass a written and an oral examination. The written examination consists of a general knowledge test, a personality test and a job-specific test. The Ministry of Internal Affairs and Public Administration has provided basic guidelines for the preparation of the general knowledge test. However, examination components tend to be developed largely on an ad hoc basis, focusing on basic knowledge. Personal interviews are likewise not competency-based. The examination thus provides only limited information for the selection of candidates.</p> <p>For top management positions there is a set of guidelines for interviews prepared in 2011 by the Council on Senior Management Positions.</p> <p>The new Law on Public Officials will partially centralise entry examination; however, no methodology for the design of examinations has yet been prepared.</p> <p>Next steps:</p> <p>Consider the introduction of competency-based written and oral examinations in the context of the Law on Public Officials coming into effect.</p>		
19. The examination process and scoring methods are consistent and objective		
Yes	Partially	No
<p>The Law on Civil Service and the regulation on civil service procedures define the value of each examination component for the final score. However, the lack of central representation, the limited guidelines for the design of examinations and interviews, as well as the lack of systematic scoring methods, all serve to reduce the consistency of examinations.</p> <p>For top management positions, consistency is enhanced thanks to the presence of the interview guidelines (see above).</p> <p>The new Law on Public Officials does not yet specify the contents and methods of examination. A new regulation will need to be prepared.</p> <p>Next steps:</p> <p>Consider the provision of clear examination and interview guidelines, including scoring methods, to support the implementation of the Law on Civil Service in the short term.</p> <p>Establish a mix of computer-based and competence-based examinations and interviews once the Law on Public Officials comes into effect.</p>		
20. The results of the examination determine the final selection of candidates		
Yes	Partially	No
<p>According to the Law on Civil Service and the regulation on civil service recruitment procedures, the highest-scoring candidate in the examination is appointed by the General Secretary in the case of expert-level positions. In the case of General Secretaries, the</p>		

minister chooses from a shortlist of three candidates before the selected candidate is appointed by the Government.

The new Law on Public Officials changes the procedure for expert-level civil servants insofar as the top-ranked candidate of the competition may choose among vacant positions.

21. Examinations are transparent and can be subjected to external scrutiny and appeal

Yes	Partially	No

According to the Law on Civil Service, candidates have the right to appeal against the outcomes of recruitment processes. However, selection commissions and HR units do not keep minutes of examinations and interviews, while summary reports are kept only for internal use. The audio-recording of interviews has not yet been considered. Opportunities for external scrutiny of the substance of recruitment processes are thus very limited.

In the case of senior management, external scrutiny is enhanced by the participation of external experts on selection commissions.

The main source of external scrutiny derives from the role of the Independent Oversight Board, which monitors recruitment and selection at the senior level and has the right to view the files of recruitment process at expert level. In 2017 this led to the cancellation of nearly 50 per cent of the competitions it observed or monitored.

The new Law on Public Officials will retain the role of the Independent Oversight Board, which will help ensure a certain degree of external accountability. Audio-recording may be considered in the context of preparing the new regulation and adapting to the post-COVID-19 context.

Next steps:

Consider the inclusion of the Independent Oversight Board in *all* examinations and ensure that minutes of exams and interviews are kept.

Consider audio-recording interviews to increase opportunities for external scrutiny.

Montenegro

Assessing the scope of merit recruitment		
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment		
Yes	Partially	No
	X	
The Law on Civil Servants and State Employees (2017, in force since July 2018) includes the central state administration within its scope. However, a significant number of agencies and funds that exercise public authority are excluded from the scope of the Law and, by implication, the scope of merit-based recruitment. As a consequence, almost half of all central level agencies and funds do not follow the recruitment rules prescribed by the Law on Civil Servants and State Employees.		

Next steps:

Review the scope of the Law on Civil Servants and State Employees to ensure that all central state administrative institutions are required to apply merit recruitment procedures coordinated by HRMA. Alternatively, review the statutes regulating the agencies and funds currently omitted from the Law on Civil Servants and ensure that these statutes require the application of equivalent merit recruitment procedures.

2. All positions in the public administration with responsibilities to manage civil servants are included in the scope for the application of merit recruitment procedures

Yes	Partially	No
	X	

Secretaries and Directors General of Directorates of central government ministries and Directors of non-ministerial bodies represent the senior management level of the civil service. These positions have been fully included in the vertical scope of civil service law since the adoption of the 2017 Law on Civil Servants and State Employees.

The appointment of acting managers remains ambivalent. According to the 2017 Law on Civil Servants and State Employees, acting managers must meet the criteria of senior civil servants and therefore must be recruited from within the civil service. If no suitable candidate can be found within the civil service, an acting manager can be recruited from outside the civil service for up to six months without having to pass the standard merit recruitment procedure for senior civil servants. In practice, these are exceptional cases, but the arrangement opens the door for recruitment without the standard merit procedure and should therefore be reviewed.

Next steps:

Review the procedure for the appointment of acting managers again to ensure it is fully compatible with merit recruitment principles.

3. Apart from lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit recruitment procedures

Yes	Partially	No
X		

The 2017 Law on Civil Servants and State Employees excludes the lowest ranks of the administrative staff from the scope of the civil service. All other groups of staff are included within the scope of the Law.

4. All fixed-term, acting and temporary staff are included in the scope for the application of merit recruitment procedures

Yes	Partially	No
X		

The 2017 Law on Civil Servants and State Employees regulates the employment of temporary staff, allowing them to be recruited without prior advertisement under certain urgent circumstances for up to six months. However, such appointees have to be selected from a pool of candidates previously shortlisted for civil service jobs after successfully passing the civil service examination. The principle of merit recruitment is thus safeguarded, and the new arrangement has had positive effects on the willingness of

candidates to become members of the pool of potential temporary employees.

Assessing the conditions for the opening of positions

5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third parties, and limits the frequency of amendment

Yes	Partially	No
	X	

The systematisation of jobs does not fully support merit-based recruitment in public administration. Although administrative institutions must prepare systematisation acts, the decree on criteria of internal organization and systematization of work in state administration authorities only generally prescribes the type of organizational unit (e.g. directorates, departments, cabinets) and classifies the core tasks of state administration authorities. It also specifies which job titles correspond to core tasks but does not determine the competencies that are required by the holders of these positions. A competency framework exists for senior civil servants but is not applied in the context of systematisation.

Systematization acts are adopted by the Government following approval by the Ministry of Finance and the Ministry of Public Administration and the issuing of an opinion by the Human Resources Management Authority. The role of the HRMA is therefore limited, even though it subsequently manages the recruitment procedure.

The frequency of amending the systematization acts is not constrained, though changes do require a justification. Cases have been reported of systematization acts being amended up to nine times in less than two years.

Next steps:

Review the practice of systematisation and, in particular, strengthen the role of the HRMA during the process of improving and adopting systematisation acts.

6. Staff planning determines recruitment activities and *ad hoc* mechanisms to approve the opening of positions have been eliminated

Yes	Partially	No
	X	

The 2017 Law on Civil Servants and State Employees formalised the need to adopt annual workforce plans and the opening of a position for recruitment now requires the prior inclusion of the position in the workforce plan. All institutions adopted staff plans last year, though they had not necessarily done so in previous years.

The ad hoc opening of positions is possible if an unforeseen vacancy emerges. Moreover, if there is an urgent need the head of an institution can ask the Government for the ad hoc approval of the opening of positions. The latter occurs only in exceptional cases, but it weakens the capacity of staffing plans to shape recruitment activities.

HRMA approves staff plans and provides comments in response to justifications given for the change of staffing plans. In practice, however, these justifications are not always convincing.

Next steps:

Review workforce-planning arrangements and consider further training for HR units to

improve these planning practices.

7. The opening of positions for external recruitment requires meaningful approval by central civil service management institutions

Yes	Partially	No
	X	

According to the 2017 Law on Civil Servants and State Employees, a position may be opened if it is included in the systematisation act and foreseen in the workforce plan or if the Government provides ad hoc consent. When a position is opened, further approval is required from the Ministry of Finance to ensure funds are available. In practice, approvals are always granted.

The central Human Resources Management Authority does not have to provide explicit approval, even though it subsequently manages most of the recruitment and examination process. In order to improve the consistency and transparency of the recruitment procedure it is essential to strengthen the role of HRMA in the procedure for opening positions for external recruitment.

Next steps:

Consider making it essential for the opening of positions to require prior approval from the Human Resources Management Authority.

Assessing public advertisements

8. All positions to be filled from outside the civil service have to be publicly advertised

Yes	Partially	No
X		

External recruitment to all senior and expert level positions in the civil service always requires the public advertisement of job vacancies. This also applies to the employment of temporary staff. The only minor exception to this rule is the appointment of acting managers when no suitable candidate can be found within the civil service.

9. Job advertisements are published in a range of print, online and social media channels and these channels reach the largest possible number of potential applicants

Yes	Partially	No
X		

Print and online channels of communication are used for advertising jobs. The 2017 Law on Civil Servants and State Employees, and the Rulebooks on the content, withdrawal and correction of announcements for filling vacancies in the state authority and on access to the documents of the announcement, require that job vacancies be publicly advertised on the website of the Human Resource Management Authority, the portal of the National Employment Agency and in daily print media with national coverage.

There is no specific requirement to publish in the print media with the largest circulation in the country. Moreover, while the Human Resources Management Authority maintains a Facebook page to advertise job vacancies, this page still has very few followers. The reach of job advertisements therefore remains limited.

10. Job advertisements contain relevant information to attract suitable candidates		
Yes	Partially	No
X		
<p>The Rulebooks on the content, withdrawal and correction of announcements for filling vacancies in the state authority and on access to the documents of the announcement specify that job advertisements must contain basic information such as educational and professional qualifications. More specifically, they must include the name of the recruiting body, the job position and the name of the organizational unit, the eligibility criteria, the list of required documentation, the list of regulations required by the candidate to prepare the written examination; the address and deadline for submitting the application, the name, surname and contact telephone number of the official who provides information regarding the advertisement, and a note that candidates with a CV must submit proof of previous work experience. The style of job advertisements is generalist and formal.</p>		
11. The application process is user-friendly and the costs of application are low		
Yes	Partially	No
		X
<p>Montenegro has not yet established an online application system for the civil service. Candidates must submit hard copies of their applications, which reduces the user-friendliness of the application process. According to the 2017 Law, candidates are no longer required to obtain a health certificate before applying for a job and only selected candidates now need to submit health certificates, lowering the costs of application.</p> <p>In the context of the COVID-19 crisis, HRMA has introduced the possibility of submitting applications by email. This arrangement will be formalised in the near future. It is the first step towards the establishment of a digital recruitment system</p> <p>Next steps:</p> <p>Consider the introduction of a fully-fledged e-recruitment system to facilitate the application process. North Macedonia and Albania serve as examples of good practice of e-recruitment in the region.</p>		
12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application		
Yes	Partially	No
	X	
<p>The Human Resources Management Authority has not yet pursued specific outreach activities to promote civil service employment. However, HRMA recently launched an initiative to provide guidance for applicants during the application process, whereby applicants can call a helpdesk for consultation during a designated slot on Thursday every week. In addition, HRMA is preparing a manual for applicants and has expressed an interest in developing online material such as videos to provide assistance for applicants.</p> <p>Next steps:</p> <p>Consider the development of outreach activities to increase the attractiveness of civil service employment.</p> <p>Develop additional measures to provide assistance for applicants.</p>		

Assessing Selection Commissions		
13. All positions or groups of positions require the formation of and assessment by a selection commission		
Yes	Partially	No
X		
External recruitment into all senior and expert positions of the civil service requires assessment by a selection commission. Temporary appointees must also have passed through a procedure that involves a selection commission. The only minor exception to this rule is the appointment of acting managers if no suitable candidate can be found internally.		
14. Representatives from central civil service management bodies are included in selection commissions		
Yes	Partially	No
	X	
The 2017 Law on Civil Servants and State Employees requires the inclusion of one delegate from the Human Resources Management Authority on the selection commission. However, the influence of the central representative is limited and efforts should be considered to strengthen the role during assessment and selection. Preferably, the role of HRMA should be increased in relation to the design of the practical exam and the interview (in addition to the general knowledge exam which is already set by HRMA). This would enable HRMA to monitor the exam more effectively and to ensure that recruitment standards are fully upheld.		
Next steps:		
Consider a stronger role for the Human Resources Management Authority In the design of the practical examination and the interview.		
15. External experts are included in selection commissions (e.g. from academia or civil society organisations)		
Yes	Partially	No
X		
The 2017 Law on Civil Servants and State Employees, as well as the Decree on the criteria and detailed method of assessment of knowledge, abilities, competencies and skills for work in state authorities, require the inclusion of external experts on selection commissions. External experts may include public sector employees, including civil servants, as well as academics and members of civil society organisations. External experts apply for their role following a public call by the Human Resources Management Authority and are selected by a commission set up by HRMA. The list of external experts is not publicly available, though publication is considered for the future.		
16. Members of selection commissions have professional competencies and receive regular training and guidance		
Yes	Partially	No
X		
The training of commission members underway. The Decree on the criteria and detailed		

method of assessment of knowledge, abilities, competencies and skills for work in state authorities prescribes the required professional competencies of commission members, including external experts. Moreover, an initiative to train the members of selection commissions was launched in 2018 in the context of a twinning project. The training is coordinated by the Human Resources Management Authority, which aims to train 200 senior civil servants from across the state administration in the first wave. Moreover, many external experts (approximately 70) have undergone training prior to assuming their roles on selection commissions.

Assessing examinations and the final selection decision

17. All groups of staff are required to pass a written and oral examination prior to their civil service appointment

Yes	Partially	No
X		

The 2017 Law on Civil Servants and State Employees stipulates that external recruitment to all senior and expert positions of the civil service requires a written and oral examination. Temporary appointees must also have passed an examination during an earlier competition. The only minor exception applies to the appointment of acting managers if no suitable candidate can be found internally.

18. Examinations generate relevant information for the selection of the best qualified candidates for a given role

Yes	Partially	No
	X	

Expert and senior civil servants have to pass a general test, a multiple-choice test, a job-specific practical examination, and a personal interview. Before selection, shortlisted candidates further have to undergo a 'conversation' with a senior manager.

The general examination element is passed by most candidates and provides limited information about the skills and competencies of candidates.

The job-specific practical examination can be multiple-choice or essay-based, but - except for senior civil servants – it is not based on particular competencies associated with the position to be filled. The quality of the practical examination largely depends on the quality of the questions prepared by the recruiting institutions.

The personal interview component is based on guidelines on how to ask questions and on how to create a suitable interview atmosphere. However, interviews do not necessarily test particular skills and competencies - except for senior civil servants – to generate relevant information about the candidates.

The 'conversation' at the end of the recruitment process remains informal and unregulated with no role for HRMA, thereby undermining the effectiveness of the merit recruitment procedure.

Next steps:

Consider a review of the practical examination contents, for instance by basing the exam on a competency framework for all civil servants.

Review the personal interview component by providing competency-based criteria for

assessment.
Consider abandoning the practice of holding a 'conversation' at the end of the recruitment process.

19. The examination process and scoring methods are consistent and objective

Yes	Partially	No
	X	

The multiple-choice part of the examination is computer-based and has been scored electronically since 2018.

The practical examinations and interviews are not based on clear scoring criteria, which thus poses a threat to the consistency and objectivity of the assessment process.

Interview guidelines, including references to competencies and scoring criteria, have only been adopted for the assessment of senior civil servants.

The 'conversation' at the end of the recruitment process is unregulated and may undermine the consistency of the assessment process.

Next steps:

Consider the adoption of systematic scoring criteria for the practical element of the examination and for the interview part for all civil service positions.

Consider scrapping the conversation part at the end of the process.

20. The results of the examination determine the final selection of candidates

Yes	Partially	No
		X

The results of the examination determine a shortlist of three candidates but not the final selection of the candidate. Moreover, the final selection is preceded by an additional conversation with the shortlisted candidates. The senior manager may then select one candidate from the list of three.

Next steps:

Ensure that the winner of the examination process is automatically selected for expert-level civil service positions. For senior civil servants, selection by the minister from a shortlist of three candidates may be retained.

Consider scrapping the conversation part at the end of the recruitment process.

21. Examinations are transparent and can be subjected to external scrutiny and appeal

Yes	Partially	No
	X	

The 2017 Law on Civil Servants and State Employees allows for appeals against recruitment and selection outcomes. However, the testing reports do not provide systematic information about the practical examination and the interview parts of the examination. Moreover, there are no comprehensive minutes of the interviews and interviews are not audio-recorded. There are no records of the additional 'conversation' at the end of the process either.

Audio recording of interviews may be considered in the context of adapting the recruitment

procedure to the COVID-19 context.

Next steps:

Consider keeping more systematic records, including minutes of practical examinations and personal interviews, in order to allow for more effective external scrutiny.

Consider the audio-recording of interviews.

Scrap the conversation at the end of the examination process or ensure that comprehensive minutes are kept and available during the appeal process.

North Macedonia

Assessing the Scope of Merit Recruitment		
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment		
Yes	Partially	No
	X	
<p>The Law on Administrative Servants (adopted in 2014 and in force since February 2015) determines the scope of the civil service. It excludes civilian personnel in the service of the Army, authorized officers in the Ministry of Defence and the Ministry of the Interior and certain bodies under the authority of the Ministry of the Interior such as the Bureau of Public Security, the National Security Agency and the Intelligence Agency, as well as officers in the Financial Police Office under the Ministry of Finance. These institutions do not have to apply the standard merit recruitment procedures. As a consequence, the scope for the application of merit recruitment procedures remains incomplete.</p> <p><u>Next steps:</u></p> <p>Review the scope of the Law on Administrative Servants and ensure that all public servants are subject to merit recruitment procedures.</p>		
2. All positions in the public administration with responsibilities to manage civil servants are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
	X	
<p>The highest management position with authority to lead ministerial departments and their civil service staff is that of State Secretary and this position is within the scope of the Law on Administrative Servants.</p> <p>Directors are the highest management positions in non-ministerial bodies. These positions are currently outside the scope of the civil service law. Deputy Ministers and political advisors are also political appointees outside the scope of the civil service. They have no authority to manage ministerial departments and their civil service staff.</p> <p>Parliament is currently reviewing a new Law on Top Managers. If adopted, the new law will exclude senior civil servants such as State Secretaries and Directors from the scope of the Law on Administrative Servants and will regulate the recruitment and selection of managers, including the formation of selection panels and the examination of candidates.</p> <p><u>Next steps:</u></p> <p>Complete the adoption of the new Law on Top Managers to ensure that all managers are subject to merit recruitment procedures, including directors of non-ministerial bodies.</p>		
3. Apart from the lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No

X		
<p>The 2014 Law on Administrative Servants includes all categories of administrative staff within its scope. Only the lowest ranks of staff such as manual and auxiliary staff are outside the Law.</p>		
<p>4. All fixed-term, acting and temporary staff are included in the scope for the application of merit recruitment procedures</p>		
Yes	Partially	No
		X
<p>The Law on Employees in the Public Sector regulates temporary employment in the state administration. This law clearly defines the conditions under which temporary employment is possible, including to cover for unforeseen short-term activities or to hire replacements for staff who are temporarily absent. The employment of temporary staff does not require the application of merit recruitment defined by the Law on Administrative Servants, though these positions must be advertised in accordance with labour legislation. Successful applicants for temporary posts are formally 'contracted in' by the Agency for Temporary Employment and are not required to pass any form of written and oral examinations. The Administration Agency (AA) is not involved in the hiring of temporary staff.</p> <p>Temporary staff are usually appointed for no longer than one year. However, in the case of replacements temporary staff can be made permanent after two years without passing through the recruitment procedure administered by the AA.</p> <p>The appointment of acting managers to State Secretary positions requires recruitment from within the civil service. This ensures that candidates will have passed through merit recruitment at an earlier stage</p> <p>Next steps:</p> <p>Review the procedure for the recruitment of temporary staff. Such staff should pass through basic merit recruitment procedures managed by the Administration Agency to ensure consistency. Montenegro and Albania provide examples of good practice for the regulation of temporary employment.</p>		
<p align="center">Assessing the conditions for the opening of positions</p>		
<p>5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third parties, and limits the frequency of amendment</p>		
Yes	Partially	No
	X	
<p>Systematisation is an obstacle to effective merit recruitment in North Macedonia. Administrative bodies must prepare systematisation acts of jobs and positions according to a basic template prepared by the Ministry of Information Society and Administration (MISA). They must also conduct regular functional reviews, referring to the competency framework of the civil service.</p> <p>Systematisation acts must be approved by MISA. However, they do not require approval by the AA (which subsequently manages the recruitment process) or the Ministry of Finance and are not adopted by the Government.</p> <p>Systematisation acts determine the contents of job advertisements, but have only been</p>		

aligned with examination contents to a limited extent. Systematisation acts can be amended at any time and are regularly changed in practice.

Next steps:

Consider a more active role for MISA in the approval process as well as explicit approval by the Administration Agency and, in particular, the need for Government – or Prime Ministerial – approval of systematisation acts in order to reduce opportunities for discretionary amendments and subsequent hiring.

6. Staff planning determines recruitment activities and *ad hoc* mechanisms to approve the opening of positions have been eliminated

Yes	Partially	No
	X	

The Law on Employees in the Public Sector requires institutions to prepare annual workforce plans. Although these plans are approved by MISA and the Ministry of Finance, they do not require the approval of the AA. There is no national workforce plan that requires subsequent approval by the Government.

Workforce plans provide general information regarding the number of positions that are expected to be filled at each level. These plans are aligned with systematisation acts and job advertisements but only partially aligned with examination contents. Workforce plans can be changed as systematisation acts are amended. As a result, workforce plans have only limited influence on recruitment activities.

Next steps:

The workforce planning methodology should be reviewed. Consider requiring further approval of plans by the Administration Agency, as well as the need for government approval of the national workforce plan.

7. The opening of positions for external recruitment requires meaningful approval by central civil service management institutions

Yes	Partially	No
	X	

The AA and MISA are not required to approve the opening of a position prior to its advertisement. The opening of positions for external recruitment into the civil service requires that a position be foreseen in the systematisation act and in the workforce plan (see above). If these conditions are met, the Ministry of Finance must approve the opening of each position. Further approval is needed from the Ministry for the Political System and Relations with the Communities to ensure equitable representation of ethnic communities in the civil service.

Next steps:

Consider a more proactive role for the AA and MISA prior to the opening of positions for recruitment.

Assessing public advertisements

8. All positions to be filled from outside the civil service have to be publicly advertised

Yes	Partially	No
X		
<p>According to the Law on Administrative Servants, external recruitment to all civil service positions requires public advertisement. The appointment of temporary contract staff also requires a public advertisement if no candidate can be drawn from the so-called transfer list of civil servants. Note also that Secretary positions may only be filled from inside the civil service.</p>		
<p>9. Job advertisements are published in a range of print, online and social media channels and these channels reach the largest possible number of potential applicants</p>		
Yes	Partially	No
	X	
<p>According to the Law on Administrative Servants and the Regulation on the implementation of the employment procedure for administrative servants, job vacancies must be advertised on the website / portal of the AA and in at least three newspapers, one of which must be a newspaper in the language spoken by a non-majority community. The selection of these newspapers must be made in accordance with public procurement rules, taking into account both circulation and costs.</p> <p>However, the AA does not (yet) use additional social media channels such as its own Facebook page or a Twitter account to disseminate vacancies. No efforts are currently made to post civil service job vacancies on private job portals, though such efforts are planned for the future.</p> <p>Next steps:</p> <p>Consider using additional channels of online communication to increase the reach of job advertisements.</p>		
<p>10. Job advertisements contain relevant information to attract suitable candidates</p>		
Yes	Partially	No
	X	
<p>The contents of job advertisements are defined by the regulation on the implementation of the employment procedure and are largely determined by the contents of systematisation acts. Advertisements must include information such as formal education, work experience, job title and category and starting salary. However, the advertisements provide few details about the tasks and the competencies required for the position.</p> <p>Next steps:</p> <p>Review the regulations pertaining to the contents of advertisements to provide more relevant information for potential applicants, including the nature of the tasks and competencies required for the post.</p> <p>Consider aligning systematisation acts and job advertisements with the competency framework.</p>		
<p>11. The application process is user-friendly and the costs of application are low</p>		
Yes	Partially	No
X		

North Macedonia's system of e-recruitment provides a case of good practice for the Western Balkans. This system was introduced in 2005 and later formally established and regulated by the Law on Administrative Servants and the Regulation on the implementation of the employment procedure. The entire application process is administered online. The procedure is user-friendly and has recently become more cost-efficient for applicants. Applicants create a profile and upload copies of official documents. Only candidates who are selected for interview need to provide certified documents such as proof of education, proof of previous work experience and a medical certificate as part of the verification procedure.

12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application

Yes	Partially	No
	X	

The AA has not yet pursued specific outreach activities to promote civil service employment.

The AA has developed guidance for applicants to learn about the application and examination process and to avoid mistakes. This guidance includes PowerPoint presentations available on the AA website.

Next steps:

Consider developing outreach activities to increase the attractiveness of civil service employment.

Consider upgrading guidance for applicants, including the use of online videos to support the application process.

Assessing Selection Commissions

13. All positions or groups of positions require the formation of and assessment by a selection commission

Yes	Partially	No
X		

External recruitment into all senior and expert positions of the civil service requires assessment by a selection commission. The employment of temporary contract staff also requires the prior formation of selection committees in accordance with labour legislation. Note that senior management positions require recruitment from within the civil service.

14. Representatives from central civil service management bodies are included in selection commissions

Yes	Partially	No
	X	

The 2014 Law on Administrative Servants requires the inclusion of one delegate from the AA on selection commissions. However, the influence of the central representative on commissions is widely perceived as minimal minor and thus requires review. Selection commissions for state administrative bodies must also include one delegate from the Ministry of the Political System and Inter-Community Relations. However, their role is limited to ensuring appropriate representation of different ethnic communities. As a

consequence, the two members delegated by the recruiting institution largely determine the outcomes of the selection process.

MISA is preparing a reform proposal whereby the AA would conduct a written examination for applicants to join a pool of potential candidates. Membership of the pool would then be a condition for any application for a vacant position and further assessment by the selection commission. Such an arrangement would strengthen the role of the AA in the examination process.

Next steps:

Consider measures to strengthen the role of the AA on selection commissions, for instance by giving AA delegates a majority in the commissions or by strengthening its role in the examination process as currently proposed.

15. External experts are included in selection commissions (e.g. from academia or civil society organisations)

Yes	Partially	No
		X

The inclusion of experts on selection commissions is not yet foreseen by legislation. The lack of external experts limits access to external expertise on selection commissions and reduces the transparency and accountability of selection processes.

Next steps:

Consider including external experts on selection commissions. Albania and Montenegro provide examples of good practice in the region.

16. Members of selection commissions have professional competencies and receive regular training and guidance

Yes	Partially	No
	X	

The Law on Administrative Servants and the regulation on the implementation of the employment procedure do not foresee specific training for commission members. The AA has not yet provided training for commission members and has no budget available to develop such training. The Training Academy also does not provide training for commission members. The lack of professional competence of commission members diminishes the effectiveness of merit recruitment.

The AA has prepared guidelines for the interview part of the examination and the OSCE has provided pilot training in using these guidelines.

Next steps:

Consider developing specific training for members of selection commissions.

Assessing examinations and the final selection decision

17. All groups of staff are required to pass a written and oral examination prior to their civil service appointment

Yes	Partially	No
	X	

The 2014 Law on Administrative Servants stipulates that external recruitment to all civil

service positions requires an examination. Note that the State Secretary at the top of the civil service may only be recruited from inside the civil service.

However, the employment of temporary contract staff is regulated by labour legislation and does not require the administration of an examination. In practice, institutions occasionally conduct interviews of candidates for temporary employment positions.

18. Examinations generate relevant information for the selection of the best qualified candidates for a given role

Yes	Partially	No
	X	

Candidates for civil service positions must pass a general multiple-choice test and a foreign language test in the first phase of the exam. In the second phase, they must pass a personal interview. The examination also involves an assessment of the candidates' CVs.

The general knowledge part of the examination was passed by 60 per cent of the candidates in 2019 and 79 per cent during the first four months of 2020. The contents of the test provide limited information about the skills and competencies of candidates regarding their future jobs in the civil service.

The personal interview is not based on a systematic framework, though the AA has prepared a manual to guide the preparation of interviews. At present, the interview component does not necessarily test particular skills and competencies to generate relevant information about candidates. It is primarily shaped by the recruiting institution and allows for an evaluation of the fitness of the candidate for the position to be filled.

Next step:

Consider including a test component in the recruitment procedure that provides more information about job-specific knowledge, skills and competencies, for instance by basing tests on a competency framework.

Review the personal interview component, for instance by introducing competency-based interviews and ensuring that the manual provided by the AA is consistently applied in practice.

19. The examination process and scoring methods are consistent and objective

Yes	Partially	No
	X	

The multiple-choice part of the examination is computer-based and scored electronically. The Interview is not based on systematic guidance and clear scoring criteria, which poses a threat to the consistency and objectivity of the assessment process.

Next steps:

Consider adopting systematic criteria for the scoring of interviews and ensuring the application of the manual prepared by the AA.

20. The results of the examination determine the final selection of candidates

Yes	Partially	No
X		

The Law on Administrative Servants stipulates that the winner of the examination process must be selected for the advertised position. The candidate is formally appointed by the

recruiting institution.

21. Examinations are transparent and can be subjected to external scrutiny and appeal

Yes	Partially	No
	X	

The 2014 Law on Administrative Servants allows for the appeal of recruitment and selection outcomes on procedural grounds. The outcome of the general knowledge test is transparent and can be externally scrutinised.

However, there are no minutes of the interviews that could be subjected to external scrutiny. The audio-recording of interviews has not yet been considered. Given the lack of external experts on selection commissions, moreover, examinations are thus subject to limited accountability.

Next steps:

Consider taking more systematic records, including minutes of personal interviews, to allow greater opportunity for external scrutiny.

Consider audio-recording interviews.

Serbia

Assessing the scope of merit recruitment		
1. All institutions or groups of institutions that exercise key functions of the public administration and public authority are included in the scope for the application of merit recruitment		
Yes	Partially	No
	X	
<p>The Civil Service Law introduced in 2005 defines a clear scope of the civil service. However, special laws exempt the employees of several institutions from the application of civil service recruitment procedures. These include, among others, large numbers of civil servants working in the Ministry of Interior, the Customs and the Tax Administration, and the Administration for Execution of Criminal Sanctions. The Ministry of Interior nonetheless follows the civil service recruitment procedure, though with no direct role for the Human Resources Management Service (HRMS), while other institutions such as the Tax Administration apply a modified procedure with partial involvement of the HRMS.</p> <p>Moreover, so-called 'public agencies' are not included in the scope of the civil service law but are regulated instead by the Law on Public Agencies, which is not fully aligned with the civil service recruitment procedure and foresees no role for the HRMS. As a consequence, the scope for the application of merit recruitment procedures is diminished in Serbia.</p> <p><u>Next steps:</u></p> <p>Review the scope of the Civil Service Law and ensure that all central state administrative institutions are required to apply standard merit recruitment procedures.</p>		
2. All positions in the public administration with responsibilities to manage civil servants are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
	X	
<p>Secretaries of Ministries and Assistant Ministers of government ministries and General Directors of non-ministerial bodies represent the senior management level of the civil service. They are included in the scope of the civil service law and their selection requires the application of merit recruitment procedures for senior civil servants.</p> <p>However, the Civil Service Law allows for the appointment of 'acting managers' by Ministers without prior advertisement, examination or the formation of commissions by the Higher Civil Service Council. Appointments may be for up to six months and may not be renewed. In practice, however, renewals are frequent.</p> <p><u>Next steps:</u></p> <p>Review the status of acting managers by either requiring their recruitment from inside the civil service or by requiring them to pass through a merit recruitment procedure if recruited from outside.</p>		
3. Apart from lower ranks (manual and auxiliary staff), all non-managerial groups of staff are included in the scope for the application of merit		

recruitment procedures		
Yes	Partially	No
X		
The 2005 Civil Service Law excludes the lowest ranks of administrative staff (manual and auxiliary staff) from the scope of the civil service. All other groups of staff are included in the scope of the Law.		
4. All fixed-term, acting and temporary staff are included in the scope for the application of merit recruitment procedures		
Yes	Partially	No
	X	
The 2005 Civil Service Law allows for the employment of temporary staff, but only some categories of temporary staff have to pass the merit recruitment procedure. Trainees and staff appointed for up to six months to address a larger than usual workload must pass through open competition or must to be drawn from the list of candidates who previously passed through an open competition. This arrangement will come into force on 1st of January 2021. However, the specific group of temporary appointments who replace temporarily absent staff will still not require the application of merit recruitment procedures.		
Next steps:		
Ensure that <i>all</i> categories of temporary appointments must first pass-through merit recruitment procedures.		
Assessing the conditions for the opening of positions		
5. The systematisation of jobs and positions by institutions requires the application of systematic job description methodologies, meaningful approval from third parties, and limits the frequency of amendment		
Yes	Partially	No
X		
State administrative institutions must prepare systematisation acts. Institutions are required to follow a methodology for job analysis. The systematisation acts have been aligned with the competency framework and the examination process. Almost all institutions have now adapted their systematisation acts to align with the competency framework.		
Systematization acts are approved by the Ministry of Public Administration and Local Self-Government, the Ministry of Finance and the Human Resources Management Service, and are subsequently formally adopted by the Government. There is no limit on the frequency of amending the systematization acts, thus opening the door to the tailoring or ad hoc amendments of systematisation acts. In practice, some institutions change systematisation acts frequently while others do not.		
6. Staff planning determines recruitment activities and <i>ad hoc</i> mechanisms to approve the opening of positions have been eliminated		
Yes	Partially	No
		X
The Civil Service Law establishes the need to adopt annual staffing plans. In practice,		

however, staff plans have not been adopted since 2014. Work on a new planning methodology has begun and the new plans are expected to be implemented from 2024.

Next steps

Continue work on the new staff planning methodology and ensure implementation in due course.

7. The opening of positions for external recruitment requires meaningful approval by central civil service management institutions

Yes	Partially	No
X		

According to the Civil Service Law, a position may be opened if it is included in the systematisation act and the personnel plan. When a position is opened, it requires further approval from the Human Resources Management Service. In practice, approvals are always granted.

Assessing public advertisements

8. All positions to be filled from outside the civil service have to be publicly advertised

Yes	Partially	No
	X	

According to the Civil Service Law, external recruitment to positions in the civil service requires a public advertisement. However, it is still possible to recruit certain types of temporary civil servants without prior advertisement. Moreover, acting managers can be appointed at the discretion of the Minister without prior advertisement. Both exceptions undermine the effectiveness of merit recruitment.

Next steps:

Consider public advertisements for *all* types of temporary staff.

Require acting managers to be recruited from inside the civil service or require public advertisements if acting managers are recruited from outside.

9. Job advertisements are published in a range of print, online and social media channels and these channels reach the largest possible number of potential applicants

Yes	Partially	No
X		

According to the Civil Service Law and relevant regulations, job vacancies must be advertised on the website of the Human Resources Management Service, in the bulletin of the institution that is seeking to fill the vacancy, as well as on the e-government portal of the government and the website of the National Employment Service. Publication in newspapers is not obligatory. The Human Resources Management Service also publishes adverts on social media such as Facebook, Twitter and LinkedIn.

10. Job advertisements contain relevant information to attract suitable candidates

Yes	Partially	No
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X		
<p>The Rulebooks on the content, withdrawal and correction of announcements for filling vacancies in the state authority specify that job advertisements must contain basic information such as educational and professional qualifications. In addition, advertisements must include the following details: the name of the recruiting body; the job position; the name of the organizational unit; the eligibility criteria; the list of required documentation; the list of regulations required by the candidate to prepare the written examination; the address and deadline for submitting the application; the name, surname and contact telephone number of the official who provides information regarding the advertisement; and a note that candidates must submit proof of previous work experience. The style of job advertisements is generalist and formal. Discussions to make job advertisements look more attractive are underway.</p>		
<p>11. The application process is user-friendly and the costs of application are low</p>		
Yes	Partially	No
		X
<p>Serbia has not yet established an online application system for the civil service. Candidates must either submit hard copies of their applications to the institution they apply to or send them by post or email. This practice reduces the user-friendliness of the recruitment process. Certified copies of official documents are only required later in the recruitment and selection process.</p> <p>Efforts are underway to establish a new human resources management information system. The new system will include a central portal to allow online applications.</p> <p>Next steps:</p> <p>Continue the work on the introduction of an e-recruitment system to facilitate the application process. North Macedonia and Albania serve as examples of good practice of e-recruitment in the region.</p>		
<p>12. General outreach activities to promote civil service employment have been put in place and general measures are in place to assist applicants with the application</p>		
Yes	Partially	No
		X
<p>The Human Resources Management Service has not yet pursued particular outreach activities to promote civil service employment. Moreover, no specific initiatives have so far been undertaken to provide guidance for applicants during the application process.</p> <p>However, outreach activities and guidelines for applicants are part of an action plan and are expected to be developed in the context of an IPA project or with the support of GIZ and/or ReSPA.</p> <p>Next steps:</p> <p>Continue the development of outreach activities to increase the attractiveness of civil service employment.</p> <p>Continue the development of manuals and guidance for applicants in order to support the application process.</p>		

Assessing Selection Commissions		
13. All positions or groups of positions require the formation of and assessment by a selection commission		
Yes	Partially	No
	X	
<p>External recruitment into civil service positions requires assessment by a selection commission. However, two exceptions remain. First, particular types of temporary appointments can still be made without the need for the formation of a selection commission. Second, 'acting managers' can be appointed for up to six months at the discretion of the minister without assessment by a selection commission. Both exceptions undermine the effectiveness of merit recruitment.</p> <p>Next steps:</p> <p>Ensure the formation of selection commissions for <i>all</i> forms of temporary employment.</p> <p>Ensure that acting managers can only be selected from within the civil service, or require the formation of selection commissions for all external recruitment.</p>		
14. Representatives from central civil service management bodies are included in selection commissions		
Yes	Partially	No
X		
<p>The Civil Service Law and the regulation on internal and public competition for filling jobs in state authorities require the inclusion on the selection commission of one member from the Human Resources Management Service.</p> <p>For the appointment of senior civil servants, members of selection commissions are drawn from the Higher Civil Service Council.</p>		
15. External experts are included in selection commissions (e.g. from academia or civil society organisations)		
Yes	Partially	No
	X	
<p>It is possible to appoint external experts or civil servants from other public administration institutions to selection commissions. However, the selection of external experts and their allocation to individual commissions is not regulated in detail. Moreover, it is rare for external experts to be involved in practice, since such involvement is considered costly.</p> <p>The Higher Civil Service Council includes a list of external experts, primarily from academia.</p> <p>Next steps:</p> <p>Consider institutionalising the participation of external experts such as academics and representatives of civil society organisations on selection commissions. This participation will also require some regulation of the status of external experts.</p>		
16. Members of selection commissions have professional competencies and receive regular training and guidance		
Yes	Partially	No

X		
<p>According to the Civil Service Law, administrative bodies are required to refer the staff of their HRM units and their managers to training courses on how to apply the new competency-based examination procedure. This training is carried out by the staff of the Human Resources Management Service and coordinated by the National Academy of Public Administration. More than 600 civil servants were trained in the course of 2019. Trainings are foreseen in the budget of the Academy and have continued in 2020 as part of the General Training Programme for Civil Servants.</p> <p>In collaboration with GIZ, the Human Resources Management Service has also prepared manuals on recruitment and competency-based assessments that will be made available shortly. An online video and an online course to provide guidance for members of selection commissions are also under preparation.</p>		
Assessing examinations and the final selection decision		
17. All groups of staff are required to pass a written and oral examination prior to their civil service appointment		
Yes	Partially	No
	X	
<p>According to the Civil Service Law, external recruitment into civil service positions at expert and senior level requires an examination. However, there are two relevant exceptions. First, certain types of temporary appointments still do not have to pass any examination. Second, acting managers are appointed at the discretion of the minister and do not have to sit any written or oral examination. These exceptions undermine the effectiveness of merit recruitment in Serbia.</p> <p>Next steps:</p> <p>Consider expanding the examination procedure to include <i>all</i> types of temporary appointments.</p> <p>Consider requiring that all ‘acting managers’ be recruited from inside the civil service, or requiring that outside recruits be subject to a merit examination.</p>		
18. Examinations generate relevant information for the selection of the best qualified candidates for a given role		
Yes	Partially	No
X		
<p>Since 2019, candidates at expert level must pass a competency-based written examination followed by a personal interview that focuses on their motivation. The examination takes into account sets of different competencies depending on the position to be filled. Both the written and the oral part of the examination provide systematic information about the suitability of a candidate for a given position. An evaluation of the new examination procedure is due at the end of 2020. Senior civil servants are assessed by the Higher Civil Service Council. They also have to sit a written and an oral examination.</p> <p>The examination procedure has the potential to become a case of good practice in the region, as the competency-based examination provides more information about</p>		

candidates than the examinations conducted by the other ReSPA members.

19. The examination process and scoring methods are consistent and objective

Yes	Partially	No
X		

The competency-based examinations are mostly but not always computer-based multiple-choice tests. They are scored electronically, which ensures consistency. Interviews are based on guidelines to test the motivation of candidates and include detailed scoring methods. Consistency across candidates is therefore enhanced.

The procedure for the examination of senior civil servants follows the same approach.

20. The results of the examination determine the final selection of candidates

Yes	Partially	No
X		

The Civil Service Law stipulates that commissions must prepare a ranking of candidates based on their examination results. For expert level positions, employing institutions must select the highest-scoring candidate of the competition since the new examination procedure has been in force. The candidate is then appointed by the employing institution.

At senior civil service level, the commission formed by the Higher Civil Service Council prepares a shortlist of three candidates in rank-order. The Minister then chooses and appoints the candidate from the shortlist.

21. Examinations are transparent and can be subjected to external scrutiny and appeal

Yes	Partially	No
	X	

The Civil Service Law allows for appeals against recruitment and selection outcomes. The competency-based examinations are mostly computer-based and hence both transparent and open to external scrutiny. For the interview part, commissions prepare summary reports of the recruitment process and attach the minutes of the personal interviews. The summary reports and interview minutes can be made subject to external scrutiny and can be referenced during appeal processes.

Audio-recording of interviews has not yet been made available. In the context of the COVID-19 crisis, however, HRMS has been conducting interviews online. So far, these interviews have not been recorded, but audio-recording may be considered in the future in order to increase transparency and external accountability.

Minutes and reports are taken for each of the four phases of the procedure. If an appeal is filed, the tribunal reviews all papers of the procedure and thus also the contents of the minutes. All elements of the process are open to scrutiny except for the psychometric test.

Next steps:

Consider the option for candidates to audio-record interviews.